
City Council of Peachtree City

**Agenda
May 17, 2018
6:30 p.m.**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Announcements, Awards, Special Recognition**
 - Recognize Employee of the Month – Terry Martin, Recreation & Special Events**
 - Recognition by VFW Post 9949 – Firefighter Robert Scruton, National VFW EMT of the Year**
 - Proclamation – Police Week and Peace Officers Memorial Day**
 - Recognize Police Auxiliary for Donation**
- IV. Public Comment**
- V. Agenda Changes**
- VI. Minutes**
 - May 3, 2018, Regular Meeting Minutes**
- VII. Consent Agenda**
 - 1. Consider Request to Apply for/Accept GOHS/MATEN Highway Safety Grant**
 - 2. Consider Authorization for Inventory Management Software – PS Trax**
 - 3. Consider FY 2018 Budget Amendments – Contractual Court Fees (Inmate Housing)**
 - 4. Consider Letter of Promulgation – Peachtree City Emergency Operations Plan**
 - 5. Consider Acceptance of Donation from Police Auxiliary Force**
 - 6. Consider FY 2018 Budget Adjustment – Mulch Grinding Services & Grounds Maintenance (Operating Supplies)**
 - 7. Consider Adoption of Amended Sewer Use Ordinance**
- VIII. Old Agenda Items**
- IX. New Agenda Items**
 - 05-18-02 Consider Authorization to Hire Additional Staff in Police and Fire Departments Due to Military Deployments** *(Ellece Brown)*
 - 05-18-03 Consider Ordinance Amendment & Resolution for 5% Cable Franchise Fee** *(Betsy Tyler)*
 - 05-18-04 Consider IGA with Fayette County for 2004 SPLOST Funding of Roundabout at Peachtree Parkway/Crosstown Drive** *(Jon Rorie)*
- X. Council/Staff Topics**
 - Preview – Tree Permit Requirements** *(Robin Cailloux)*
 - Lake Peachtree Spillway Update** *(Dan Davis)*
 - Consider Policy for Use of Public Right-of-Way** *(Dave Borkowski/Paul Salvatore)*
 - FCDA Management Report/Update** *(Joan Young)*
 - Update – SB 17 (Brunch Bill) on Sunday Alcohol Sales** *(Betsy Tyler)*
- XI. Executive Session**
- XII. Adjourn**

This agenda is subject to change at any time up to 24 hours prior to the scheduled meeting

City Council of Peachtree City
Meeting Minutes
May 3, 2018
6:30 p.m.

The Mayor and Council of Peachtree City met in regular session on Thursday, May 3, 2018. Mayor Vanessa Fleisch called the meeting to order at 6:30 p.m. Others attending: Terry Ernst, Mike King, and Phil Prebor. Council Member Kevin Madden was absent.

Announcements, Awards, Special Recognition

The Mayor presented a proclamation to Jerry Peterson, representing Southern Conservation Trust, declaring May 19, 2018, as Kids to Parks Day. Officers of VFW Post 50 honored Police Sgt. James Harris as Law Enforcement Officer of the Year and Battalion Chief Robert Harkins as Firefighter of the Year. Representatives of the Georgia Chapter of the American Society for Public Administration at The Point University, Peachtree City Campus, presented certificates of appreciation to the Mayor, Council Members, Police Chief Janet Moon, and Fire Chief Joe O'Connor in commemoration of Public Service Recognition Week.

Minutes

April 19, 2018, Regular Meeting Minutes

King moved to approve the April 19, 2018, regular meeting minutes as written. Prebor seconded. Motion carried unanimously.

Consent Agenda

- 1. Consider FY 2018 Budget Amendment – Reimbursement Grant, Georgia Association of Emergency Medical Services**
- 2. Consider Non-profit Funding Request – Promise Place**
- 3. Consider Non-profit Funding Request – Fayette Senior Services**

Ernst moved to approve Consent Agenda Items 1, 2, and 3. King seconded. Motion carried unanimously.

New Agenda Items

05-18-01 Public Hearing – Request to Lift Multi-family Moratorium, Chadwick Homes

Planning and Development Director Mike Warrix said Chadwick Homes had appealed to the City to lift the current multi-family zoning moratorium. He said Chadwick Homes was considering submitting a rezoning application to build multi-family housing, but in order to start the process, the moratorium must be lifted. He showed a general location map, saying the site under consideration was about 5.1 acres, adjacent to Falcon Field, Lake McIntosh, Lake McIntosh Park, and the Planterra Golf Course, with access off TDK Boulevard. The property was currently zoned General Industrial (GI), and the surrounding property was Open Space - Public (OS-P) and Open Space – Conservation (OS-C), as well as GI.

Jerry Peterson, representing Chadwick Homes, said builder Chad Floyd was present if Council had any questions for him. Peterson noted that this site used to be part of the Industrial Park, but over the years it had been separated, first by the building of the Planterra Golf Course, and then by the construction of Lake McIntosh. He noted there were magnificent views from the property.

The expansion of Falcon Field meant the airport's clear zone had to be expanded, Peterson reported, which forced the relocation of two holes at the golf course as well as the re-routing of TDK Boulevard. He said the clear zone was an open space that would never be developed. To the south was Lake McIntosh Park and its amenities. All the surrounding property was zoned as open space, but this was still industrial on the zoning map and land use plan. Peterson again noted

the views and the nearby park and golf course, saying it would be a shame to put an industrial or even an office building on such a site.

He said there was access to TDK Boulevard, then to Dividend Drive, which provided easy access to SR 74 and Crosstown Road. Peterson remarked there were still some industrial sites left on the golf course, but they had been vacant for about 30 years, and it was hard to sell industrial sites that bordered on amenities. He said this piece of land was quite expensive, due to its location.

Peterson commented there was interest in amenity condominiums such as these, and there had not been a development such as this in the City in a long time. He said people already had approached Floyd and expressed interest in the project.

He referred to a page from the 1985 Land Use Plan, which said multi-family development should be encouraged near the Industrial Park along Lake McIntosh to promote proximity to workplaces and also to allow more people to enjoy the lake. Peterson noted that the 1985 Land Use Plan said multi-family housing in this area would promote the step-down theory of higher-density housing near the City center and lower density farther out. He pointed out that the east side of Lake McIntosh had no industrial development, just residential, golf course and a park.

Peterson told Council he was asking them to lift the moratorium so they could move forward with architectural studies, site planning studies, and working with City Staff on a rezoning request, which would first be presented to the Planning Commission.

Fleisch opened the public hearing. No one spoke in favor of lifting the moratorium. In opposition, Bob Grove of Lakeside subdivision pointed out that much of the surrounding land was a bailout area. If a plane had an engine failure coming off the 31 runway either right or left, it would be in that area. He recalled that a young pilot put a plane down on the golf course last year. Grove noted that there would be an increase in jet traffic over the next six to nine months, which would increase airport operations by about 30% to 40%, and he wanted Council to keep that in mind.

Ralph Hale of Crabapple Woods had a few questions. He wanted to know when and why the moratorium on multi-family housing was passed and wondered what the impact of lifting it would be on the community.

Fleisch closed the public hearing.

King clarified that lifting the moratorium would be only for this piece of land. City Attorney Ted Meeker confirmed this and added that it would be wise to include a sunset clause and not leave it open-ended. King noted that if Council lifted the moratorium, it would allow them to see a proposal of what Chadwick Homes wanted to build, but they would not be approving anything at this time.

Ernst made sure that it would not open the floodgates for other multi-family zoning requests, and Meeker assured him it would not.

King moved to approve Agenda Item 05-18-01, Request to Lift Multi-family Moratorium, with the stipulation that the moratorium be lifted for six months (November) to allow for a rezoning request. Prebor seconded. Motion carried unanimously.

Council/Staff Topics

Assessment of Right-of-Way Management and Franchise Fees

Financial Services Director Paul Salvatore said the City imposed a 4% tax on cable television services, which generated about \$475,000 annually. However, this revenue was in a steady decline, with about \$420,000 projected for next year's budget. Nationwide, about 63 million people paid a cable franchise fee, and providers were reporting a 3.16% loss of customers each year. Most customers were going to high-speed broadband services, but there were also a number of new broadband customers who never had cable service at all.

Salvatore pointed out that over the past decade, there had been an increase in cable franchise revenue due to an increase in on-demand and pay-per-view services, not from an increase in customers. He said that growth would not keep pace with the trend of people leaving cable for fiber services. Also, broadband was increasing speeds without increasing rates, so that would not generate more revenue.

Salvatore presented a chart showing that, for a number of years, revenues increased due to the on-demand and pay-per-view services, with a high of \$520,000 in franchise fees in 2015. But, starting in 2016, revenues began a steep decline that mirrored the nationwide trend. He said this trend would continue, and cable would probably be gone entirely in five or six years. Broadband provided access to Netflix and Hulu, accounting for some of the loss of cable revenue. Cable providers might want to see this shift since there was a higher margin on broadband services. Salvatore said this could happen very rapidly.

He continued that federal legislation called the Permanent Internet Tax Freedom Act was passed in 2015, but had a history going back to the Clinton years. It prevented the City from shifting the cable franchise fees over to broadband charges.

Allen Davis of Community Broadband, LLC, communications consultant for the City, told Council he had looked into the City's service providers and the franchise fees they were paying, in addition to checking on the companies that were building fiber optic facilities. He said he went to each service provider to see how they derived their franchise fees and to see if their numbers matched what they were reporting to the City.

He explained that this franchise fee was imposed only on providers of cable television services. The 4% fee was passed through the bill to the customers, and the money remitted quarterly to the City. Peachtree City was one of only two cities in Georgia that charged a 4% rate; the others imposed a 5% fee, he said. It was possible for the City to pass a resolution to notify the Secretary of State that the fee would be increased from 4% to 5%. He told Council one of the service providers was already mistakenly charging and paying 5% to the City.

As traditional linear cable services went away, franchise agreements would yield to service-independent right-of-way agreements that compensated cities for facilities in rights-of-way, Davis explained. The Georgia Department of Transportation (GDOT) charged a per-mile, per-year, fee to providers that built in its rights-of-way. Some cities were telling providers they must be compensated for maintaining the rights-of-way and monitoring the construction of the systems.

The City might want to adopt a policy in case a provider came in and wanted to build a significant amount of fiber on a basis other than to provide cable television, Davis remarked. Zayo, which provided fiber service to the cell tower, and Uniti Group, which was also building in the City, had already been approved as utilities by the City. As of now, they had only built small extensions, but

at some point, Davis commented, it would be in the City's and the service providers' best interests to have a fee agreement in place to make sure all the terms, conditions, and compliance could be managed more efficiently than through a permit process. He said permitting every provider could become cumbersome.

In this year's Georgia General Assembly session, three related bills were discussed, Davis reported. One was the Achieving Connectivity Everywhere (ACE) Act, designed to bring broadband into unserved areas. He said it sounded good for rural areas, but Peachtree City would not see any major material benefits from it. The City could be certified to be named as a Broadband Ready Community, but he doubted if that was needed to attract more providers.

Davis noted that the City had seen applications from providers that wanted to build monopolies in rights-of-way as part of a nationwide effort to establish these facilities. Two pieces of legislation were introduced to further this cause by limiting the rights of local governments to regulate the building of these facilities. Davis said the type of small cells that could be installed on an existing power pole were usually not a problem, but the real problems arose when providers wanted to build a 75-foot tall monopole in the right-of-way. These bills did not pass, but Davis commented that much of the City had underground utilities so this could pose a big problem and should be watched for in upcoming legislative sessions. He said the City should be proactive and try to obtain some accommodation.

Fleisch brought up a citizen who claimed there was no broadband in the City. She asked Davis to substantiate that there was, indeed, ample broadband service throughout the City. Davis stated that he had worked in and visited many cities and did not know of a city this size that had more broadband. There were three fiber-based service providers in AT&T, Comcast, and WOW, which was extremely unusual, plus Verizon and LTE. He pointed out that a recent upgrade of the tower behind City Hall made the broadband extremely robust throughout the City. He pointed out the City's map showed a lot of density, and the entire area was being served.

Prebor asked City Manager Jon Rorie about a recent ordinance Council passed. Rorie said it was a right-of-way maintenance ordinance, and this was a different issue. He said there would be some tweaks required to the maintenance ordinance as the 5G and microcell sites were rolled out and permits granted, but right now it did not address a right-of-way fee on a per-mile or per-foot basis. The purpose of bringing this up was to look at how the right-of-way maintenance ordinance could be tweaked to establish fees. He said any time something was on the agenda regarding utility fees, the City got a lot of feedback from utility companies, and that was fine. The point, however, was that the City should not allow free utilization of the public right-of-way for profit by a private company except for the fact that they wanted to expand broadband.

The cable franchise fees were declining, and losing \$400,000 would amount to about a quarter-mill in taxes, Rorie noted. He went on to say he intended to come before Council with a resolution to the Secretary of State to raise the franchise fee from 4% to 5%. That would be on the agenda before the budget adoption so Council would know the revenue projections.

Salvatore went over the figures again, saying raising the fee by 1% would generate an additional \$124,000 in revenue, putting it back to 2015 levels and buying a little more time until some of the right-of-way agreements could be put in place. He said the City had a good ordinance requiring companies to register, but needed a policy to impose fees for use of the rights-of-way. Salvatore asked Davis if he had a model policy the City could use. Davis said he did, adding he was a big believer in adopting one. Davis gave Council a preview of what would happen in the near future.

He said a provider would come in with a substantial plan, one that went beyond a fiber extension. The provider would want to come to the City and present an initiative for a major fiber deployment. At that point, Davis stressed, the City needed to be positioned to move directly into a right-of-way agreement. Salvatore agreed there should be a policy in place when that day came.

Rorie reiterated that a resolution was needed to change from a 4% to 5% franchise fee as a short-term mechanism to balance revenue streams related to the budget. The second step would be for staff to work with consultants and legal to tweak the right-of-way ordinance to include a fee for service. As technology shifted, certain industries died off, such as cable television, and the City must find something to take the place of the franchise fee revenue.

Fleisch asked Davis if the provider currently paying 5% was going to ask for a rebate. Davis said probably not, and added it was one of the smaller providers. He said the company had been charging the extra percentage and remitting it, so it had not benefited, and it would be too difficult to calculate the amount that was overcharged.

Davis explained that he had taken all the revenues provided by the service providers for the past fiscal year, then divided it by the total number of households in the City, according to the last census. He said, based on this, the increase in the franchise fee would equal about 73 cents a month per household. Rorie said he did not want to undervalue 73 cents per month, but there was a service delivery model that the City must adopt and conform to, and during the budgeting process the City must look at this trend and explore how to adapt to it. He asked what they would do if \$500,000 disappeared over night, saying, while not that drastic, these revenues were dropping 3% a year.

Davis added that this decrease was not an intermittent situation, and providers wanted the cable side to disappear. He said the Federal Communications Commission (FCC) authorized franchise fees of up to 5%, and that was the industry standard, adding it was unusual to have a number other than that.

Ordinance Preview – Sewer Use Ordinance Update

Water and Sewer Authority (WASA) Interim General Manager Susan Lee said the updated Sewer Use Ordinance was adopted by the WASA board at its April 23 special called meeting, and she was bringing it to Council for consideration to supersede and replace the 1999 ordinance. She explained that a new ordinance was needed to update the language for procedures and enforcement and because WASA was required to routinely evaluate headworks loading for treatment plants for determination of waste stream characterization changes that could lead to local limits modifications.

Lee continued that multiple levels of input and review were utilized to assure rigorous process. Feedback from staff indicated the update was needed several years ago, and WASA began the process in 2015, with staff reviewing each section, resulting in suggestions for revisions and deletions. Engineering Strategies Inc. (ESI) was retained as the consultant to assist staff with the revisions. ESI gathered several years of data from plant testing, as well as industrial user reporting, and calculated headworks loading analysis. A list of revised limits resulted from this study, and the analysis calculations and results were submitted to the Environmental Protection Division (EPD) for approval, Lee explained.

The primary changes to the Sewer Use Ordinance were for the local limits and grease interceptor requirements, Lee remarked. The local limits were primarily applicable to the industrial pre-treatment program, which was mandated through the National Pollutant Discharge Elimination System (NPDES) permits to protect the collection system, treatment plants, and personnel from dangerous substances and provided the Authority with a vehicle to address violators.

Grease, oil, and sand interceptors protected the system from clogging substances that caused backups and overflows. The Sewer Use Ordinance provided details of the fats, oils, and grease program requirements and provided authority for actions against violators, Lee related.

The Sewer Use Ordinance, Lee pointed out, was the toolbox WASA used daily to operate the sewer system. The new document had been reviewed, and the consultant conferred with management and staff. Lee said the new document had been advertised, the Georgia EPD had approved the changes and accepted public comment. The WASA board approved the ordinance, and the final step would be adoption by Council.

Fleisch asked Rorie if this would be on the next meeting's agenda, and he said it would, and a copy of the full ordinance would be included in the meeting packet. Fleisch noted that it was big document, and Rorie agreed, but said it could be summed up by saying that the more mess allowed in, the harder and more costly it was to clean. The goal was to prevent the problem to begin with. Fleisch noted that most traps and other equipment in the City were already up to standards stated in the ordinance.

Lee said the City's very assertive grease interceptor program, which won an award in 2014, had prevented many problems. She said Xavier Davis was in charge of WASA's program and was very involved in the state organization for grease interceptor programs. She said they had attempted to incorporate all of their good practices into this new ordinance.

Rorie reminisced about when, earlier in his career, firefighters dumped a pot of grease down a drain, so this was an important aspect to him. He said the ordinance would be before the Council for adoption at the next meeting.

2015 Facilities Bond Project Update

Rorie noted that the list of projects funded by the 2015 facilities bond was close to being completed. Of the remaining projects, the contract had been awarded for the Drake Field Pavilion; tower improvements for replacing the BMX hill, which was almost 40 years old, were completed; Kedron rink improvements had an encumbrance of \$76,000 for resurfacing; and the Skate Park construction was ongoing, with a sidewalk poured that day.

Amphitheater improvements were underway, but Rorie wanted to look at replacing seating, and wanted to move \$100,000 into that project. He said it would be about a \$75,000 project to replace the seats. The Police Department parking lot project was moving ahead, with the cutbacks on the curb to widen the road completed, and the parking lot itself would be resurfaced. The bottom line for Facilities Bond projects, Rorie noted, showed about \$64,000 in contingency, but that could change.

There was a lot going on, not only with these projects, but SPLOST projects, Capital Improvement Projects (CIP), and General Fund projects, Rorie commented. Fleisch asked if he had any idea on time for the seat replacements, and Rorie said he did not, but the Amphitheater would never be

without a full complement of seats, even if they had to replace them in sections. He pointed out this was especially vital since there was an expanded season of events this year.

There being no further business, Prebor moved to adjourn. Ernst seconded. Motion carried unanimously. The meeting adjourned at 7:37 p.m.

Martha Barksdale, Recording Secretary

Vanessa Fleisch, Mayor

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

To: City Council and Mayor

Via: Jon Rorie, City Manager
Paul Salvatore, Finance Director P.S.
Kelly Bush, Assistant Finance Director KB

From: Janet Moon, Chief of Police JLM

Date: May 1st, 2018

Subject: GOHS / MATEN Highway Safety Grant
Consent Agenda- May 17th, 2018 Council Meeting

Recommendation:

The Police Department is requesting to apply for and accept grant funding from the Georgia Governor's Office of Highway Safety (GOHS) via the Metro Atlanta Traffic Enforcement Network (MATEN) for the amount of \$20,000 (to be allocated as described below).

Discussion:

This grant is funded by the Georgia Governor's Office of Highway Safety (GOHS) and administered by the Metro Atlanta Traffic Enforcement Network via the Peachtree City Police Department. The purpose of the grant is to facilitate the accomplishment of the Governor's goal to improve highway safety and reduce the number of injuries and deaths on Georgia roadways. The selection of our agency to administer this grant is based upon the election of one of the Police Department's Lieutenants as the Metro Atlanta Traffic Enforcement Network (MATEN) Coordinator. MATEN is a network of the 62 law enforcement agencies that provide traffic enforcement services to the Metro Atlanta area and is aimed at facilitating improved practices and better overall traffic safety among participating areas.

The grant has a maximum value of twenty thousand dollars (\$20,000) and is divided into three components; Seven thousand five hundred dollars (\$7,500) is allocated to the administering agency (Peachtree City in this case) for the purchase of traffic safety equipment and training/travel expenses as an incentive for allowing an employee to allocate time to the network. Seven thousand five hundred dollars (\$7,500) is to be allocated to network operating expenses or purchasing incentive items to be distributed at MATEN meetings to attending agencies to encourage participation in network events. Five thousand dollars (\$5,000) is allocated to any travel expenses the coordinator may incur attending designated highway safety conferences. All purchases are to be made by Peachtree City and are then 100% reimbursed by GOHS per the agreement.

As part of this grant we must enter an agreement/certification with the State of Georgia Governor's Office of Highway Safety. This agreement constitutes a Grant Application with standard reporting

criteria, conditions, and terms. The funded equipment would be used within our traffic enforcement activities and training/travel funds would be used to attend traffic related training and meetings.

Acceptance of this grant allows the Police Department to obtain, at no cost, additional equipment and training that would otherwise not be obtainable without significant budgetary impact to the City.

Budget Impact:

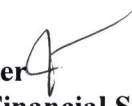
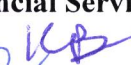
This grant revenue and expense will be budgeted in the fiscal year 2019 budget. This is a fully funded, non-matching grant.

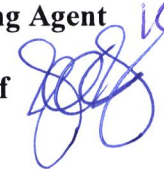
JLM/mm

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

VIA: Jonathan Rorie, City Manager 
Paul Salvatore, Director of Financial Services *P.S.*
Angela Egan, Purchasing Agent 

FROM: Joe O'Connor, Fire Chief 

DATE: May 1, 2018

SUBJECT: Request Authorization for Inventory Management Software as a Service
May 15, 2018 Council Meeting

RECOMMENDATION:

Staff requests authorization from the Mayor and City Council to proceed with implementing an inventory control solution from PS Trax.com for their quoted amount of \$9,773.40 (including a 20% reduction on quoted set up costs).

DISCUSSION:

The Fire Department has sought a robust inventory management solution for several years to assist with tracking our extensive inventory of equipment, personal protective gear, and disposable supplies. Our focus has been to identify a program specifically capable of meeting the documentation requirements related to the narcotics and other controlled medications carried on our ambulances. We have extensively tested Manager Plus, Image Trend and the new Police solution, none of which will meet the requirements specific to the daily tracking of medication control by specific employee.

The Fire Department tested two products specifically marketed to EMS and Fire agencies to determine if either met our needs. Operative IQ for an initial year cost of \$12,710.00 and PS Trax for \$9,773.40 are both capable of meeting our needs. When our committee compared ease of use, staff believed PS Trax would be a superior product for our application. Coweta County Fire Department is a current customer who report being very satisfied with the ease of use and capabilities of the program. In addition to tracking medications, the department believes this product will greatly improve our daily accountability for our entire inventory of equipment and supplies.

BUDGET IMPACT:

Funds are available within the current year operating budget due to lower than expected repair expenses to our personal protective equipment. The ongoing cost of \$5,763/year would be included in the department's 2019-20 budget proposal.

Estimate for PSTrax.com

Prepared for: Peachtree City Fire-Rescue
 Joe O'Connor, Chief
 105 N. Peachtree Pkwy
 Peachtree City, GA 30269

Prepared by: Scott Bergeron, President
 Station Automation, Inc.
 7312 Firethorn
 Littleton, CO 80125
 O: 888-330-6006 | C: 303-918-3169
 E: scott@pstrax.com

Prepared on: 4/27/2018

Project Description: This estimate is for an inspection management program custom-built for Peachtree City Fire-Rescue. The price includes one-time setup costs for the initial build as well as an Annual License Agreement for ongoing maintenance, customer support, and system updates. Modules can be ordered individually. Logins for all system users are included at no extra cost. The scope of work includes checks for **16 vehicles, 180 SCBA items, 124 PPE users, 5 stations, and 5 controlled substance locations**, as detailed below.

Vehicle Checks Module		Description	Qty	Each	Total
Manage vehicle inspections (including equipment & inventories) on apparatus, medics, support units, vehicle-assigned SCBA, ladder / hose / pump testing, and more.	Annual License Agreement for 12 apparatus including 5 ambulance (1 being reserve), 5 engines (1 being reserve), 2 ladder trucks		12	\$165.00	\$1,980.00
	One-time all inclusive setup cost for Vehicle Checks - Apparatus		12	\$135.00	\$1,620.00
	Annual License Agreement for 4 support units 2 brush trucks, 1 dive rescue unit, 1 battalion chief unit		4	\$55.00	\$220.00
	One-time all inclusive setup cost for Vehicle Checks - Support Units		4	\$45.00	\$180.00
SCBA Tracking Module		Description	Qty	Each	Total
Track the full history of SCBA from manufacture to retirement. Log inspections, repairs, hydro testing, and more.	Annual License Agreement for 60 air packs + 120 cylinders		180	\$5.00	\$900.00
	One-time all inclusive setup cost for SCBA Tracking		180	\$5.00	\$900.00
PPE Tracking Module		Description	Qty	Each	Total
Track the full history of PPE from manufacture to retirement. Log inspections, cleaning, repairs, and more.	Annual License Agreement for 124 crew members		124	\$12.00	\$1,488.00
	One-time all inclusive setup cost for PPE Tracking		124	\$12.00	\$1,488.00
Station Checks Module		Description	Qty	Each	Total
Document station chores, supplies, specialty equipment, EMS inventories, building maintenance, and more.	Annual License Agreement for 5 stations		5	\$135.00	\$675.00
	One-time all inclusive setup cost for Station Checks		5	\$115.00	\$575.00
Narcotics Module		Description	Qty	Each	Total
Track hand-offs, usage, expiration, and inventory levels for all controlled substance locations.	Annual License Agreement for 5 locations		5	\$100.00	\$500.00
	Flat one-time all inclusive setup cost for Narcotics Checks				\$250.00

SPECIAL: Save 20% off setup cost of all selected modules if signed within 30 days – a savings of \$1,002.60!

License Agreement

Carefully read the following terms and conditions before signing the Estimate & License Agreement. If you'd like to include additional terms for your department, please call 888-330-6006 to discuss. All additional criteria must be approved by both parties prior to signing. Upon approval, Station Automation, Inc. and Peachtree City Fire-Rescue ("you") hereby agree as follows:

- Scope of Work:** Station Automation, Inc. is responsible for the initial build and ongoing maintenance of all Modules as indicated on the Estimate (page 1) of this Agreement. This includes the import of all vehicle, equipment, and inventory inspections provided by Peachtree City Fire-Rescue into PSTrax, as well as any adjustments to these inspections upon request.
- Setup & Implementation:** Peachtree City Fire-Rescue will be assigned a Project Manager, whose responsibility is to gather your inspections, discuss specifics related to your checks, and set a timeframe for launch. It is the responsibility of Peachtree City Fire-Rescue to provide the Project Manager all existing documentation for each inspection you wish to include. Peachtree City Fire-Rescue will have the opportunity to approve the system prior to launch.
- Compliance of Logs:** It is the responsibility of Peachtree City Fire-Rescue to ensure that all checks and inspections provided to Station Automation, Inc. comply with local and federal regulations, including but not limited to: NFPA guidelines, Department of Transportation (DOT) guidelines, manufacturer specifications, and the standard operating procedures (SOP) of the authority having jurisdiction (AHJ). **Station Automation, Inc. is not responsible for ensuring that the inspections you provide adhere to local or federal regulations.**
- Ongoing Maintenance & Support:** All training, technical support, and adjustments to the Modules indicated on the Estimate (page 1) are included in the Annual License Agreement. No additional fees for support/service will be charged during the term of this agreement, unless the scope of work increases.
- User Licenses:** Station Automation, Inc. does not charge a per-user license fee; Peachtree City Fire-Rescue may include as many users as necessary at no additional cost. Each user in the PSTrax system has a unique login and password, and a selected access level for each Module (Administrator or User). It is the responsibility of Peachtree City Fire-Rescue to provide this information for each user they would like added into the program.
- Data Storage & Protection:** All data input into PSTrax.com is owned by Peachtree City Fire-Rescue under all circumstances, even if you cancel the service. Copies of your logs in digital or physical formats can be retrieved at any time during your service agreement, and up to 24 months after cancellation of the service, by contacting Station Automation, Inc.
- Price Guarantee:** The price of the PSTrax.com program includes a one-time setup cost due at signing as well as an Annual License Agreement, billed out each year on the anniversary of the launch date. The Annual License Agreement is guaranteed to remain the same for a minimum of 3 years from the launch date, unless the scope of work is extended (see "Additions to the Program"). After Year 3, the Annual License Agreement may increase, but the increase may be no more than 5 percent or the National Inflation Rate, whichever is greater, over the previous year's rate. The National Inflation Rate is calculated using the Consumer Price Index published by the Bureau of Labor Statistics.
- Additions to the Program:** Any changes to the scope of work not included in the original Estimate (uploading a new apparatus, adding another Module, etc.) will be charged a one-time setup cost plus the Annual License Agreement. The charges will either be billed at a prorated amount at the time of completion or added onto the Annual License Agreement upon contract renewal, depending on your department's preference.

9. **Billing Terms:** The terms of this Agreement are for one year, with automatic annual renewals on the anniversary date. The Total Year 1 Cost indicated on the Estimate is due within 30 days of signing; the Annual License Agreement will be billed out on the anniversary of the launch date beginning in Year 2 with a net-30 policy. **Please make checks payable to Station Automation, Inc.**
10. **Cancellation & Refund Policy:** If Peachtree City Fire-Rescue is not satisfied with PSTrax.com for any reason within 90 days after the launch date, all monies, minus the one-time setup cost, will be refunded. After the 90-day period, Peachtree City Fire-Rescue may cancel the Agreement by notifying Station Automation, Inc. in writing, at least 60 days prior to the Agreement anniversary date. No monies will be refunded if the cancellation occurs after the 90-day period; the Agreement will expire at the end of the term and will not be renewed.
11. **Security & Service Interruption:** PSTrax.com is hosted in Rackspace.com's Cloud Environment – or a comparable top-tier cloud provider – and uses commercially reasonable measures to maintain the security and stability of the service. Station Automation, Inc. assumes no responsibility for the effectiveness of these measures. Interruption of service is possible in any network. Peachtree City Fire-Rescue hereby acknowledges and agrees that Station Automation, Inc. and its service providers are NOT liable for any delays, outages, or interruptions of the service. Further, Station Automation, Inc. shall not be liable for any delay or failure to perform its obligations under this Agreement, resulting from any occurrence beyond its reasonable control (including, but not limited to, fire, flood, power outage, Internet outage, acts of God, mechanical, electrical, communications, or third-party supplier failure).
12. **Limitation of Liability:** Circumstances may arise in which you are entitled to recover damages from Station Automation, Inc. In such instance, the aggregate liability of Station Automation, Inc. for damages will be limited to the prorated portion of the Annual License Agreement paid to Station Automation, Inc. by Peachtree City Fire-Rescue for the three month period immediately preceding the date on which such claim occurred.

By signing below, you agree to the terms and conditions of this Estimate & License Agreement, and certify that you are an authorized purchaser for Peachtree City Fire-Rescue. When finished, please send all pages of this document back to Station Automation, either by faxing it to 303-972-3494 or scanning/emailing it to info@pstrax.com. If you need to make adjustments or have any questions about this Agreement, please call us at 888-330-6006 prior to signing.

Peachtree City Fire-Rescue

Print Name: _____

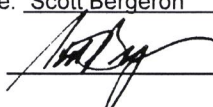
Signature: _____

Position: _____

Date: _____

Station Automation, Inc.

Print Name: Scott Bergeron

Signature: 

Position: President

Date: 3/2/2018

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager 

FROM: Paul J. Salvatore, Financial Services Director 
Kelly Bush, Assistant Finance Director 

DATE: May 3, 2018

SUBJECT: FY2018 Budget Amendments
May 17, 2018 *City Council Consent Agenda*

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendment to the Fiscal Year 2018 Budget Resolution.

Discussion:

Budget amendment 18-18 provides funding to pay Fayette County a per day inmate fee as provided by the Intergovernmental Agreement signed February 22, 2018 with respect to county-wide Service Delivery Strategy. The additional fees became effective in March 2018 and are anticipated to be approximately \$3,500 per month.

Budget Impact:

The proposed budget amendment will increase both the revenues and the expenditures in the General Fund by \$24,500 amending the Fiscal Year 2018 Budget Resolution. These funds will be allocated in future years under Municipal Court Contractual Services as part of the budget process.

Attachments
Budget Amendment

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

18-18

5/17/2018

[illegible]

NOW, THEREFORE, BE IT RESOLVED that this Council hereby amends the Fiscal Year 2018 Budget Resolution to :

to provide funding in accordance with the IGA with Fayette County to provide inmate housing

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager 

FROM: Joe O'Connor, Fire Chief/Emergency Manager 

DATE: May 7, 2018

SUBJECT: Revision to Peachtree City Homeland Security and Emergency Operations Plans
City Council Meeting: May 17, 2018

Recommendation:

Staff requests City Council authorize the Mayor and City Manager to sign the attached letter of promulgation directing the distribution of the 2018 revision of the City's disaster plan.

Discussion:

The City's Homeland Security and Emergency Operations Plans have been thoroughly revised during early 2018. This extensive project would not have been possible without the assistance of Clayton State University's graduating Senior and Peachtree City resident Joseph Adamson who has spent countless hours under the direction of Assistant Chief Clint Murphy working with representatives of all Peachtree City Departments to ensure the plan represents the most up to date information.

Budget Impact:

This item should has no budgetary impact.

City of Peachtree City

151 Willowbend Road
Peachtree City, GA 30269
(770) 631-7657
Email: www.peachtree-city.org

Letter of Promulgation

TO: See Distribution List

FROM: Vanessa Fleisch, Peachtree City Mayor

DATE: May 17, 2018

SUBJECT: **Peachtree City Homeland Security and Emergency Operations Plan**

The Peachtree City Homeland Security and Emergency Operations Plans are attached. It is effective for planning, mitigation and preparation purposes upon receipt. The actions directed in these plans may be activated by the City Fire Chief, the City Manager or his/her designated representative, or at the direction of a higher authority.

This Emergency Operations Plan supplements existing City, County, Regional State and Federal Emergency Operations and special event plans. The focus of this plan is on public education; individual, neighborhood, business and industry, and community preparation; and contingency planning for emergency and critical functions that may be degraded by various natural, technological or human events. Peachtree City is committed to exercising due diligence to identify and mitigate susceptible equipment, processes, functions and systems. It will implement reasonable measures to maintain emergency and critical functions and operations.

We recommend that citizens implement modest preparation to provide essential supplies, food and water for themselves and their families to “weather the storm” or “go camping at home” for a period of four (4) days. We recommend using the family contingency preparation guidelines of the American Red Cross. These guidelines are available at the American Red Cross web site (www.redcross.org). We urge persons who are dependent on medical devices or medications to check their on-hand supplies and equipment, and we urge any persons with special needs to notify us so that we can better plan.

Questions regarding preparation may be addressed to the City Manager (E-mail: citymgr@peachtree-city.org), phone (770) 631-7657, Public Information Officer (Ms. Betsy Tyler, E-mail: info@peachtree-city.org) at (770) 631-7657, or the Fire Rescue Chief Joe O’Conor (E-mail: joconor@peachtree-city.org) at (770) 631-2526.

Mayor, City of Peachtree City _____
Date _____

City Manager, City of Peachtree City _____
Date _____

Fire Chief, City of Peachtree City _____
Date _____

- 5 – Mayor/City Council
- 1 – City Manager
- 1 – City Attorney
- 7 – City Directors and/or Chiefs
- 1 – Water and Sewerage Authority
- 1 – Airport Authority
- 1 – EOC Document Cache

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager
Paul Salvatore, Director of Financial Services *P.S.*

FROM: Janet L. Moon, Chief of Police *JLM*

DATE: May 8, 2018

SUBJECT: Donation Acceptance from the Peachtree City Auxiliary Police Force
May 17th City Council Consent Agenda

Recommendation:

It is staff's recommendation that City Council accept the donation of the below items (totaling \$21,402.98 in value) from the Peachtree City Police Auxiliary Force.

Discussion:

Active Shooter Vests with medical kits attached (\$11,000 for 28 vests): Patrol ballistic vests only stop pistol rounds but the active shooter vests will stop most rifle rounds and have front and back steel plates. Officers would don the active shooter vests when responding to an active shooter or high-risk call. Having the medical supplies on each vest will allow officers to administer first aid that could prolong a person's life long enough for medics to provide a higher level of life saving care. The 28 donated vests will outfit the remainder of Peachtree City patrol officers under the rank of Lieutenant.

SRT Sniper Rifle Equipment (\$6404.98): This includes all the equipment still needed to outfit one new rifle (already purchased) with a current generation scope and night vision. The police department currently does not have night vision capabilities for any police marksman (sniper) weapons. This equipment will allow a police marksman to identify a threat in a no light/low light scenario and make an accurate shot. The suppressor addition keeps the muzzle flash from causing the night vision to become temporarily unusable after the shot by suppressing the flash. Additionally, it suppresses some of the sound, which helps keep the officer's position hidden from other potential suspects. This allows for the marksman to immediately confirm if the shot was successful.

Driving Course Cones (\$3998): Currently, the cones on the course are mostly donated and used cones. When the cones get old they leave smudge marks on the vehicles when the cones are struck. These smudge marks are hard to clean off. The old cones also get firmer, increasing the likelihood that hitting a cone will cause permanent damage to the car. The driving course has already saved the city money on avoidable collisions and increases the safety of our officers by improving their driving ability.

Budget Impact:

These donated items will have no current or future negative budget impact and will save the city money on future budgets when these items would have likely been requested.

Breakdown of Auxiliary Donated Items		
Quantity	Item	Total Cost
28	Point Blank Active Shooter Vest with front and back steel rifle plates	\$8,399.72
28	Condor Black Triple M4 Mag Pouches	\$391.72
28	Condor EMT Pouches	\$531.72
28	C.A.T. NAR Combat Tourniquets	\$700.00
28	Hyfin Chest Seals (2 packs)	\$419.72
38	Emergency Trauma Dressings (10 extra)	\$247.00
28	NAR Trauma Shears	\$223.72
1	Armashight CO-X Gen 3 Nighvision with clip on mount (SN: 5155195)	\$4,750.00
1	Dead Air Sandman 7.62 Suppressor with mount	\$699.99
1	Vortex Viper PST Gen 2 Rifle Scope	\$780.00
1	Vortex Precision 30 MM Mounting Rings	\$129.99
220	36" 12 lb Orange Cones	\$3,575.00
6	42" Channelizer Cones	\$175.50
10	36" 10 lb Lime Cones	\$212.50
Total Shipping/Delivery		\$166.40
Total Value of Donated Items		\$21,402.98

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

MEMO TO: Mayor and City Council

VIA: Jonathan Rorie, City Manager

FROM: Scott Hicks, Public Services Superintendent
Quinn Bledsoe, Recreation & Special Events Director
Paul J. Salvatore, Financial Services Director *PS*
Kelly Bush, Assistant Finance Director *KB*

DATE: May 11, 2018

SUBJECT: Budget Amendments FY2018
May 17, 2018 City Council Consent Agenda

Recommendation:

It is Staff's recommendation that City Council approve the attached budget amendment to the FY2018 budget resolution.

Discussion:

The attached budget amendment is requesting an increase to Public Works contractual services for organic material grinding (\$35,000) and to Grounds Maintenance operating supplies – landscaping for mulch (\$15,000). This request is in response to yard debris being deposited by citizens at the compost site and the increased landscaping projects being carried out throughout the city. The attached Budget Amendment will increase the Public Works Contractual Service Expense Budget by \$35,000 and Grounds Maintenance Operating Supplies – Landscaping Expense Budget by \$15,000 with the funding from the General Fund Reserve.

Budget Impact:

The proposed budget amendment will increase both the revenues and the expenditures of the FY 2018 General fund budget by \$50,000 with the revenue coming from reserves.

Attachments
Budget Amendment

kbush/council reports/budget amendments for 2018

CITY OF PEACHTREE CITY

BUDGET AMENDMENT

NUMBER 18-19

DATE 5/17/2018

[illegible]

NOW, THEREFORE, BE IT RESOLVED that this Council hereby amends the Fiscal Year 2018 Budget Resolution to :

to provide additional funding for organic material grinding and mulch.



MEMO

To: Mayor Fleisch and Council, Peachtree City
From: General Manager, Susan Lee, Peachtree City WASA
Subject: Adoption of New Sewer Use Ordinance

The current Sewer Use Ordinance has been in effect since 1999. It is incumbent upon the Water & Sewerage Authority to review and update this document from time to time and as needed. In 2015 WASA began the process of updating and revising the SUO. Engineering Strategies, Inc. (ESI) was hired to assist staff with the task.

The project was completed and reviewed by Peachtree City WASA Board of Directors. At the April 23, 2018 Special Called Meeting the Board approved adoption of the finalized Sewer Use Ordinance. WASA now respectfully submits this document to Mayor and Council for approval and adoption as a City Ordinance.

**AN ORDINANCE TO AMEND CHAPTER 82, SECTION 82-4 OF THE CODE OF ORDINANCES
OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED.**

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PEACHTREE CITY, GEORGIA, THAT:

Section 1. Chapter 82, Section 82-4, of the Peachtree City Code of Ordinances, as amended, be further amended as follows:

Sec. 82-4. Adoption of sewer use and pretreatment ordinance.

The mayor and council adopt the sewer use and pretreatment ordinance signed on ~~May 17, 2018, June 17, 1999~~, with the water and sewerage authority. The sewer use and pretreatment ordinance is on file and available for inspection in the office of the city clerk.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of _____, 2018.

Vanessa Fleisch, Mayor

Attest: _____
City Clerk



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ARTICLE I - PURPOSE AND FINDINGS

Section 1. Purpose and Policy

The Peachtree City Water and Sewerage Authority ("Authority") finds that in order to provide for the public health and welfare, and to comply with the laws and regulations of the State of Georgia and the U.S. Government, it is necessary to establish requirements for all users of the water pollution control facilities of the Authority; to establish effluent limits; to require pretreatment, where necessary, by system users; to regulate the use of municipal pollution control facilities through the issuance of permits to certain Industrial Users; to establish charges and fees for the equitable distribution of costs; and to authorize monitoring and enforcement activities.

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works of the Peachtree City Water and Sewerage Authority, and enables the Authority to comply with all applicable State and Federal regulations.

The purposes of this Ordinance include the following: to prevent the introduction into the municipal pollution control facilities of pollutants which will interfere with the proper operation of the system or contaminate the resulting sludge; to prevent the introduction into the municipal pollution control facilities of pollutants which will cause the Authority to be in violation of any permits; to prevent the introduction into municipal pollution control facilities of pollutants which would pass through the facilities into receiving water or the atmosphere, or otherwise be incompatible with the facilities; to prevent unauthorized discharges of pollutants into the environment; to improve the opportunity to recycle and reclaim wastewaters and sludges from the facilities; to provide for equitable distribution of the cost of the municipal pollution control facilities; and to ensure that the sludge and byproducts removed from industrial waste treatment systems are transported and disposed of in accordance with Chapter 391-3-6-.24 of the Rules and Regulations of the State of Georgia, Department of Natural Resources, Environmental Protection Division.

This Ordinance shall apply to all users of the Publicly Owned Treatment Works. The Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 2. Administration

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other Authority personnel.

ARTICLE II - DEFINITIONS AND ABBREVIATIONS

Section 1. "The Act"

"The Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.

Section 2. "Authority"

"Authority" shall mean the Peachtree City Water and Sewerage Authority.

Section 3. "Authorized Representative"

- a) If the Industrial User is a corporation, "authorized representative" shall mean:
- 1) The president, secretary, treasurer, or a vice- president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation;
 - 2) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- b) If the Industrial User is a partnership or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
- c) If the Industrial User is a Federal, State or local, governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
- d) The individuals described in paragraphs 1-3 above may designate another authorized representative if the authorization is in writing, 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 environmental matters for the company, and the written authorization is submitted to the Authority.

Section 4. "Administrative Order"

"Administrative Order" shall mean a document which orders the violator to perform a specific act or refrain from performing a specific act.

Section 5. "BOD₅"

"BOD₅" (denoting five-day Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA approved laboratory procedures in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.

Section 6. "Building Drain"

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the foundation wall of the building wall.

Section 7. "Building Sewer"

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 8. "Bypass"

"Bypass" shall mean the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility, flow meter or pH monitoring devices.

Section 9. "Categorical Pretreatment Standard" or "Categorical Standard"

"Categorical Pretreatment Standard" or "Categorical Standard" shall mean 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 CFR Parts 405-471.

Section 10. "City"

"City" shall mean the City of Peachtree City, Georgia and its authorized agents or representatives.

Section 11. "Civil Litigation"

"Civil Litigation" shall mean any lawsuit filed in a superior court or other court of law or court of equity.

Section 12. "Combined Sewer"

"Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 13. "Commercial Wastes"

"Commercial Wastes" shall mean:

- a) Non-toxic, non-hazardous liquid wastewater from commercial facilities;
- b) Grease interceptor contents generated by a commercial food operation or institutional food preparation facility, including without limitation, fats, 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;

Section 14. "Commercial Waste Transporter Permit"

"Commercial Waste Transporter Permit" shall mean a permit issued by the Georgia Environmental Protection Division or by a local governing authority for an individual tank truck.

Section 15. "Composite Sample"

"Composite Sample" shall mean a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates (flow proportioned composite sample) or a time interval (time proportioned composite sample).

Section 16. "Control Authority"

"Control Authority" shall mean the Peachtree City Water and Sewerage Authority.

Section 17. "Criminal Prosecution"

"Criminal Prosecution" shall mean punitive measures against an individual and/or organization through a court of law for criminal violations of state or federal laws.

Section 18. "Daily Maximum"

"Daily Maximum" shall mean the average concentration of all measurements during any single calendar day.

Section 19. "Existing Source"

"Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication 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.

Section 20. "Fine"

"Fine" shall mean monetary penalty assessed by Control Authority officials.

Section 21. "Garbage"

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Section 22. "Grab Sample"

"Grab Sample" shall mean a sample which is taken from a waste stream on a one-time basis without regard to the flow and without consideration of time.

Section 23. "Grease"

"Grease" a material composed primarily of fats, oils, and grease from animal or vegetable sources. The terms fats, oils, and grease shall be deemed as grease by definition. Grease may also include petroleum-based products.

Section 24. "Grease Interceptor"

"Grease Interceptor" shall mean a structure or device designed to collect and retain oils, grease, and fatty substances usually found in kitchen or similar wastes (generally 1500 gallon grease capacity or more).

Section 25. "Grease Trap"

"Grease Trap" shall mean a structure or device designed to collect and retain oils, grease, and fatty substances usually found in kitchen or similar wastes (generally 200 gallon grease capacity or less).

Section 26. "Grit Interceptor"

"Grit Interceptor" shall mean a structure or device designed primarily for the accumulation and removal of grit.

Section 27. "Hazardous Waste"

"Hazardous Waste" shall mean any waste which has been defined as a hazardous waste in federal laws such as Resource Conservation & Recovery Act (RCRA) and Comprehensive Environmental Response Compensation & Liability Act (CERCLA) and in regulations promulgated by the Administrator of the United States Environmental Protection Agency pursuant to these federal laws as codified at 40 C.F.R. Section 261.3 and elsewhere and any designated hazardous waste under the Official Code of Georgia § 12-8-62.

Section 28. "Indirect Discharge or Discharge"

"Indirect Discharge or Discharge" shall mean any introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act.

Section 29. "Industrial User" ("IU" or "User")

"Industrial User" ("IU" or "User") shall mean any source of indirect discharge.

Section 30. "Industrial Wastes"

"Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Section 31. "Interference"

"Interference" shall mean any discharge alone or in conjunction with a discharge or discharges from other sources that:

- a) inhibits or disrupts the POTW, its treatment processes or operation or its sludge processes, use or disposal; and
- b) therefore is a cause of a violation of the Authority's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation Recovery Act (RCRA);

any State regulation contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substance Control Act; and the Marine Protection, Research and Sanctuaries Act and any other state or federal law.

Section 32. "Inspection"

"Inspection" shall mean entering an Industrial User's facility to ascertain whether the specific requirements of this Ordinance, and any permit or order issued hereunder, are being met and whether the Industrial User is complying with all requirements thereof.

Section 33. "Local Governing Authority"

"Local Governing Authority" shall mean the Peachtree City Water and Sewerage Authority.

Section 34. "Maximum Allowable Concentration"

"Maximum Allowable Concentration" shall mean the instantaneous maximum concentration which is not to be exceeded at any time in any sample.

Section 35. "Monthly Average"

"Monthly Average" shall mean the arithmetic average of all the daily determinations of concentration or mass made during a calendar month.

Section 36. "Meeting"

"Meeting" shall mean any informal compliance meeting with an Industrial User to resolve recurring noncompliance.

Section 37. "National Pretreatment Standard, Pretreatment Standard, or Standard"

"National Pretreatment Standard, Pretreatment Standard, or Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act, which applies to an Industrial User.

Section 38. "Natural Outlet"

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Section 39. "New Source"

"New Source" shall mean:

- 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 Clean Water Act Section 307(c) which will be applicable to such source provided that:
 - 1) the building, structure, facility or installation is constructed at a site on which no other source is located; or

- 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 process 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) (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment. Construction of a new source has commenced if the owner or operator has:
- 1) Begun, or caused to begin as part of a continuous site construction program:
 - (i) Any replacement, assembly, or installation of facilities or equipment; or
 - (ii) 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; or
 - 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.

Section 40. "Notice of Violation" (NOV)

"Notice of Violation" shall mean a Control Authority enforcement document notifying an Industrial User that it has violated pretreatment standards and requirements.

Section 41. "NPDES"

"NPDES" shall mean National Pollutant Discharge Elimination System. A permit administered by the Environmental Protection Division, State of Georgia.

Section 42. "Noncontact Cooling Water"

"Noncontact Cooling Water" shall mean any water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Section 43. "Oil-water separator"

"Oil-water separator" shall mean a structure or device designed primarily to collect and retain oily substances.

Section 44. "Originator"

"Originator" shall mean the owner or operator of the grease or FOG interceptor, grit trap, oil-water separator, or sand trap from which commercial wastes are removed.

Section 45. "Pass Through"

"Pass Through" shall mean any discharge which exits the POTW into waters of the State of Georgia 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 Authority's NPDES permit (including an increase in the magnitude or duration of a violation).

Section 46. "Person"

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 47. "pH"

"pH" shall mean a measure of the acidity or alkalinity of a substance, expressed in standard units.

Section 48. "Pollutant"

"Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics, of wastewater (including, but not limited to pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Section 49. "POTW"

"POTW" shall mean Publicly Owned Treatment Works as defined in Section 212 of the Clean Water Act.

Section 50. "Pretreatment"

"Pretreatment" shall mean any reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to introduction 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.

Section 51. "Pretreatment Program Supervisor"

"Pretreatment Program Supervisor" shall mean the Authority Administrator or his/her designated representative.

Section 52. "Pretreatment Requirements"

"Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

Section 53. "Prohibited Discharges or Prohibited Discharge Standard"

"Prohibited Discharges or Prohibited Discharge Standard" shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article VI of this Ordinance.

Section 54. "Properly Shredded Garbage"

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

Section 55. "Public Sewer"

"Public Sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Section 56. "Registration"

"Registration" shall mean acceptance of a transporter by the State of Georgia, Environmental Protection Division, or by the local governing authority or county department of public health.

Section 57. "Registered Commercial Waste Transporter"

"Registered Commercial Waste Transporter" is a business/owner registered by the State of Georgia, Environmental Protection Division and whose tank trucks are permitted by the local governing authority.

Section 58. "Sand Interceptor"

"Sand Interceptor" shall mean a receptacle designed for the accumulation and removal of sand, grit, rocks and other similar debris.

Section 59. "Sanitary Sewer"

"Sanitary Sewer" shall mean a sewer which carries domestic sewage and admissible industrial waste and in which stormwater, surface water, and groundwater are not intentionally admitted.

Section 60. "Septic Wastes"

"Septic Wastes" shall mean the contents of a septic tank.

Section 61. "Sewage"

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Section 62. "Sewage Treatment Plant"

"Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 63. "Sewer"

"Sewer" shall mean a pipe or conduit for carrying sewage.

Section 64. "Shall"

"Shall" is mandatory; "May" is permissive.

Section 65. "Show Cause Order"

"Show Cause Order" shall mean any formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

Section 66. "Significant Industrial User"

"Significant Industrial User" shall apply to:

- a) Industrial Users subject to categorical pretreatment standards;
- b) Any other Industrial User that:
 - 1) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - 2) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Authority's treatment plant; or
 - 3) is designated by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- c) Upon a finding that an Industrial User meeting the criteria in paragraph (b) of this Section has no reasonable potential for adversely affecting the Authority's treatment plant operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from an Industrial User and in accordance with 40 C.F.R. 403.8(f) (6), determine that such Industrial User is not a significant Industrial User.

Section 67. "Significant Noncompliance"

"Significant Noncompliance" shall mean any violation which meets one or more of the following criteria:

- a) Chronic violations - Sixty-six (66) percent or more of the measurements exceed the same daily maximum limit or the same average limit for the same pollutant parameter in a six (6) month period (any magnitude of exceedance constitutes a violation).
- b) Technical Review Criteria (TRC) violations - Thirty-three (33) percent or more of the measurements exceed the same daily maximum limit or the same average limit for the same pollutant parameter by more than the TRC in a six (6) month period (exceeding the

pretreatment limit by a factor of 1.4 for BOD, total suspended solids [TSS] , fats, and oil and grease [O&G] and 1.2 for all other pollutants except pH) constitutes a TRC.

- c) Any other violation (s) of effluent limit (average or daily maximum) that the Authority believes has caused, alone or in combination with other discharges, interference or pass-through or endangered the health of plant personnel or the public.
- d) Any discharge of a pollutant that has caused imminent endangerment to human health and welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- e) Violations of compliance schedule milestones contained in a local control mechanism or enforcement order for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
- f) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 30 days from the due date.
- g) Failure to accurately report noncompliance.
- h) Any other violations(s) that the Authority considers to be significant.

Section 68. "Slug"

A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

Section 69. "Standard Industrial Classification (SIC) Code"

"Standard Industrial Classification (SIC) Code" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

Section 70. "Storm Drain" (or "Storm Sewer")

"Storm Drain" (or "Storm Sewer") shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 71. "Surcharge"

"Surcharge" shall mean any charge for treating excessive pollutant loadings.

Section 72. "Tank Truck"

"Tank Truck" shall mean any vehicle that removes and transports commercial wastes.

Section 73. "Total Suspended Solids (TSS)"

"Total Suspended Solids (TSS)" means the total suspended matter that floats on the surface of, or is in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 74. "Toxic Pollutants"

"Toxic Pollutants" means any and all materials identified as toxic under any environmental law, including but not limited to pollutants identified pursuant to Sections 304 (a) and 307 (a) of the Clean Water Act and 40 C.F.R. Sections 401.15 and 413.02 (i).

Section 75. "Transporter"

"Transporter" shall mean any person or firm, which owns or operates one or more waste tank trucks that receive or dispose of commercial waste in this state.

Section 76. "Treatment Plant Effluent"

"Treatment Plant Effluent" shall mean any discharge of pollutants from the POTW into waters of the State.

Section 77. "Upset"

"Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Section 78. "User" or "Industrial User (IU)"

"User" or "Industrial User (IU)" shall mean a source of indirect discharge.

Section 79. "Watercourse"

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 80. "Wastewater"

"Wastewater" shall mean any liquid and waterborne industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Section 81. "Wastewater Discharge Permit"

"Wastewater Discharge Permit" shall mean the Authority's control mechanism to implement the Authority's Sewer Use Ordinance.

Section 82. Abbreviations

Abbreviations used in this Ordinance shall have the designated meanings:

- a) BOD₅ - Five Day Biochemical Oxygen Demand
- b) CFR - Code of Federal Regulations
- c) COD - Chemical Oxygen Demand
- d) EPA - Environmental Protection Agency
- e) EPD - Environmental Protection Division of the Department of Natural Resources, State of Georgia
- f) FOG - Fats, Oil and Grease
- g) FROG - Fats, Rags, Oil and Grease
- h) GPD - Gallons Per Day
- i) IPP – Industrial Pretreatment Program
- j) IU - Industrial User
- k) lb/day – pounds per day
- l) LGA - Local Governing Authority
- m) mg/l - Milligrams Per Liter
- n) MGD – million gallons per day
- o) NOV – Notice of Violation
- p) NPDES - National Pollutant Discharge Elimination System
- q) O&M - Operation and Maintenance
- r) POTW - Publicly Owned Treatment Works
- s) RCRA - Resource Conservation and Recovery Act
- t) SIU - Significant Industrial User
- u) SNC – Significant Non-Compliance
- v) TKN - Total Kjeldahl Nitrogen
- w) TRC – Total Residual Chlorine
- x) TSS - Total Suspended Solids
- y) TTO – Total Toxic Organics
- z) USC - United States Code

ARTICLE III - USE OF PUBLIC SEWERS REQUIRED

Section 1. Unsanitary placement of wastes

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the Authority any human or animal excrement, garbage, or other objectionable waste.

Section 2. Unlawful Discharge of Wastes

It shall be unlawful to discharge to any natural outlet within Peachtree City, or in any area under the jurisdiction of the Authority, any sewage or other polluted waters, except where suitable treatment has been provided and only after receiving the necessary permits and approval from Georgia Environmental Protection Division.

Section 3. Unlawful Disposal of Wastes

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage where public sewers are available.

Section 4. Suitable Facilities Required

The owner of all houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a sanitary sewer of the Authority, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in, accordance with the provisions of this Ordinance within ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line.

ARTICLE IV - PRIVATE SEWAGE DISPOSAL

Section 1. Use of Public Sewers If Available

The disposal of sewage by means other than the use of the available sanitary sewage system shall be in accordance with local, county and state law. The disposal of sewage by private disposal systems shall be permissible only in those instances where service from the available sanitary sewage system is not available. Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the Authority and the Georgia Department of Natural Resources.

Section 2. Septic Tanks

- a) Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the local health department. Septic tanks shall be maintained in sanitary working order.
- b) No person shall construct, repair, alter, or enlarge any septic tank unless he shall hold a valid permit for such work issued by the local health department. The health department may withhold the issuance of such a permit pending inspection and approval of the site and location of the proposed work. Before any septic tank or any part thereof may be covered after it has been constructed, repaired, altered, or enlarged, it shall be inspected and approved by the health department.
- c) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Georgia. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- d) No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, nor in any place where the health officer deems the use of same to be a menace to human health or well-being.

Section 3. Responsibilities of Private Sewer Owners

- a) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within ninety (90) days after notice. Public sewer is available when it is located within two hundred (200) feet of the property line. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.
- b) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Authority or Peachtree City.
- c) No subsurface disposal facilities shall be installed in any place where the health officer deems the use of such facilities to be a menace to human health or well-being.
- d) Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.

Section 4. Discharge of Septic Tanks into Sewer System

- a) It shall be unlawful to empty, dump, throw or otherwise discharge into any manhole, catch basin or other opening into the Peachtree City sewer system, or any system connected with

and discharging into the sewer system, the contents of any septic tank, sludge, sewage, or other similar matter or material, except as provided in Subsection "b" hereof.

- b) The Authority is hereby authorized to grant permits to discharge the contents of septic tanks at locations specified by the Authority. Such permits may be revoked at any time if, in the opinion of the Authority, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment processes.
- c) A charge shall be made for the privileges of dumping the contents of septic tanks, as provided in separate rules. A record shall be kept of such dumpings and statements rendered each month. Failure to pay the amounts due within the grace period allowed shall be cause for revoking the right to discharge at any Authority approved site.

Section 5. Additional Requirements

- a) Any premise that has a septic tank, privy, or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within thirty days from the receipt of written notification from the health department to repair the system.
- b) Premises with private water systems shall not be connected with the public sewerage system.
- c) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the appropriate state or county regulatory agencies having jurisdiction over such matters.

ARTICLE V - BUILDING SEWERS AND CONNECTIONS

Section 1. Permits Required

No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Authority.

Section 2. Building Sewer Permit Classifications

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his authorized agent shall make an application on a special form furnished by the Authority. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the Authority. A permit and inspection fee shall be paid to the Authority at the time the application is filed. A schedule of fees will be issued annually by the Authority.

Section 3. Installation and Connection Costs

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. Separate Building Sewers Required

A separate and independent building sewer shall be provided for every building except as provided by this section as follows. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 5. Testing Required

An old building sewer may be used in connection with new buildings only when it is found, on examination and testing, to meet all requirements of this ordinance.

Section 6. Compliance with Codes Required

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing, back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) shall apply.

Section 7. Elevation Requirements

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement or first floor. 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.

Section 8. Prohibition on Drainage Runoff to Sewer Connections

No person shall make connection of roof down spouts, exterior foundation drains, area-way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 9. Connection Requirements

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or in amplification thereof to the ASTM and the WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City or its representative.

Section 10. Notification and Inspection Requirements

The applicant for a building sewer permit shall notify the Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Authority or its representative.

Section 11. Safety Considerations

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

ARTICLE VI - GENERAL DISCHARGE PROHIBITIONS

Section 1. Discharge to Designated Sewers Required

Stormwater and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as storm sewers, or to a an approved natural outlet. Industrial cooling water and unpolluted process wastewater can only be approved for discharging to natural outlets through the issuance of an NPDES permit by the Georgia Department of Natural Resources Environmental Protection Division.

Section 2. Discharge to Sanitary Sewers Prohibited

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 3. Prohibition of Discharge of Pollutants Causing Interference or Pass Through

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference, prevents the use or disposal of sewage sludge, or otherwise interferes with operation of the POTW. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirement.

Section 4. Prohibition on Discharge of Harmful or Noxious Substances

No User may contribute the following substances to the POTW:

- a) Pollutants which create fire or explosion hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test method specified in 40 CFR 261.21.
- b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities.
- c) Any wastewater having pH less than 5.0 or greater than 11.0 or otherwise causing corrosive structural damage to the POTW or equipment.
- d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard and or Local Limits. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Clean Water Act.
- e) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- f) Any wastewater having a temperature which will inhibit biological activity in the sewers or wastewater treatment plant resulting in interference, but in no case wastewater with a

temperature at the introduction into the sewers which exceeds 149°F (65°C) or wastewater treatment plant which exceeds 104°F (40°C).

- g) Any pollutants including oxygen demanding pollutants or unusual chlorine demanding substances released at a flow rate and/or pollutant concentration which will cause interference to the POTW.
- h) Pollutants which result in the presence of toxic, noxious, or malodorous gases, vapor or fumes within the POTW in a quantity that may cause acute worker health and safety problems or prevent entry into sewers for inspection, maintenance, or repair.
- i) Any wastewater containing more than 25 mg/l of petroleum based oil, nonbiodegradable cutting oil, products of mineral origin, or wastewater containing these constituents in amounts that will cause interference or pass through.
- j) Any trucked or hauled pollutants except at discharge points designated by the Authority in accordance with Article VIII Section 4(b) of this Ordinance.
- k) Any sludges, screenings, or other residues from the pretreatment of industrial waste.
- l) Any medical wastes, except as specifically authorized by the Authority in a wastewater discharge permit.
- m) Any water or waste causing the treatment plant's effluent to fail a toxicity test.
- n) Any wastes containing detergents, surface active agents, or other substances in amounts which may cause interference in the POTW.
- o) Any water or waste containing fats, wax, grease, or oil, emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32 degrees Fahrenheit) and one hundred fifty (150 degrees Fahrenheit) (0 to 65 degrees Celsius) .
- p) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Authority.
- q) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority or Federal law provided at 33 USC Section 1311.
- r) Material in amounts or concentrations that prevent the use or disposal of sewage sludge.

Section 5. National Categorical Pretreatment Standards

The National Categorical Pretreatment Standards published in the Code of Federal Regulations, Title 40 CFR, Chapter I, Subchapter N, Parts 405 to 471 are hereby incorporated.

- a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c) .
- b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Authority shall impose an alternate limit using the combined wastestream formula in 40 CFR 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 CFR 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 CFR 403.15.
- e) If relevant local limits are more stringent for a particular industrial category than categorical limitations imposed under this Article, such local limits shall supersede the categorical limitations imposed under this Article and shall become part of this Article by reference.

Section 6. Local Limits

- a) The following technically based local limits apply for industrial discharges into the Authority's wastewater treatment systems:

Pollutant of Concern	Local Limit for Industries, mg/l
Non-Conventional	
Arsenic	0.074
Cadmium	0.008
Chromium (T)	2.37
Chromium VI	2.37
Copper	0.08
Lead	0.052
Mercury	0.0003
Molybdenum	0.122
Nickel	0.909
Selenium	0.103
Silver	2.39
Zinc	0.19
Cyanide	0.08
TTO	2.13
Conventional	
BOD	900
COD	1500
TSS	900
Total Kjeldahl Nitrogen	60
Ammonia-Nitrogen	20

- b) The Authority has the right to assign effluent limits based upon an Industrial User's discharge flow and wastewater strength and or concentration. Limitations apply at the point where the industrial waste is discharged into the POTW system. The Authority shall develop the limits as necessary and effectively enforce such limits. In cases where pollutants contributed by User(s) can result in Interference, Pass Through, and/or prevents the use or disposal of sewage sludge, the Authority shall enforce specific effluent local limits for Industrial User(s), and all other Users, as per 40 CFR Part 403, which together with

appropriate changes in the POTW Treatment Plant facility or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices. Specific effluent local limits shall be developed, permitted, and enforced as per state and federal guidelines. The Authority may elect to regulate specific pollutant(s) of concern by employing best management practices (BMPs) where a numeric effluent limit cannot be developed due to scientific uncertainty.

- c) Users shall provide necessary wastewater treatment as required to comply with this ordinance and with all federal categorical standards and or local limits within the time limitations specified by the federal pretreatment regulations or this Ordinance whichever is shorter. New sources shall install and have in operating condition and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

The industrial user must appoint a Georgia certified industrial, Class II or higher operator in responsible charge of its pretreatment system.

Operator in responsible charge means any operator who has direct general charge of the day-to-day field operation of a wastewater treatment plant, wastewater collection system, water distribution system, or public water supply system, and who is responsible for the quality of the treated water or wastewater effluent.

Wastewater treatment means biological, physical/chemical, or settling processes which remove pollutants from industrial or domestic wastewaters prior to discharge to a stream, sewer, or land. It includes only those processes permitted by the Division or an approved local government under the Georgia Water Quality Control Act or its successor. It excludes those processes that consist solely of screening, pH adjustment, sedimentation processes without mechanical solids removal, septic tanks, grease traps, or oil-water separators, until specifically required in a permit.

- d) No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 7. Special Arrangements

- a) Under a special agreement and at the request of the industrial user, the Authority has the right to allocate mass limits for any permitted parameter by employing a "mass distribution method" of overall treatment capacity such that the total combined industrial loadings do not exceed the headworks loadings. The Authority will not issue mass limits for published categorical standards that are concentration based.
- b) The General Manager may issue permits specifying limits greater than the limits in the sewer use ordinance (SUO) based on special agreements with the Authority, provided that all applicable state and/or federal categorical pretreatment requirements are met and provided that local treatment plant mass loadings are not violated. The permission to

exceed concentration limits will be revoked if local treatment plant mass loadings are exceeded. Additional testing requirements will be necessary for an industry which seeks permission to exceed concentration limits and may include testing of the waste treatment plant influent and effluent as well as the user's own effluent. The treatment costs associated with such testing will be paid by the user in the form of a surcharge for the parameter they seek permission to exceed.

- c) The Authority has the right to modify the industrial discharge limits and conditions at any time when warranted by changes in its system. Industrial users requesting a permit variance must do so at least 60 days prior to the expiration of their discharge permit.
- d) The Authority has the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. The industrial user may, however, request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. The industrial user may also request a variance from the categorical pretreatment standards from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

Section 8. Pretreatment Surcharge

- a) All persons discharging industrial or commercial wastes into the public sewers shall be charged and assessed a surcharge for those parameters in the wastewater that have concentration greater than the following:
 - 1) Water or wastes having a monthly average five-day Biochemical Oxygen Demand in excess of 300 parts per million. An enforcement action will be taken for any exceedance of the maximum limit of 900 parts per million; or
Water or wastes having a monthly average chemical oxygen demand in excess of 900 parts per million. An enforcement action will be taken for any exceedance of the maximum limit of 1500 parts per million.
 - 2) Water or wastes having a monthly average Total Suspended Solids content in excess of 300 parts per million. An enforcement action will be taken for any exceedance of the maximum limit of 900 parts per million.
 - 3) Water or wastes having a monthly average Total Nitrogen content in excess of 30 parts per million. An enforcement action will be taken for any exceedance of the maximum limit of 60 parts per million.
 - 4) Water or wastes having a monthly average ammonia nitrogen content in excess of 10 parts per million. An enforcement action will be taken for any exceedance of the maximum limit of 20 parts per million.

The amount of the surcharge shall reflect the cost incurred by the Authority in handling the excess BOD, COD, TSS and or Total Nitrogen. This surcharge is based on the increased maintenance and operation cost of the water pollution control facilities, manholes, sewers, lift stations, and force mains.

- b) Formula determining surcharge. The following formula shall be used for assessing surcharge for the constituents set forth in subsection (a):

Surcharge Amount = Surcharge Rate (\$ / pound) x (B - C) mg/L x (IU flow) MGD x 8.34

B = Actual concentration

C = Allowable concentration

- c) Determination of Amounts. The rates of surcharge for each of the aforementioned constituents shall be determined periodically or as needed by the Authority in order that the above factors may correctly represent current treatment costs. A schedule of the surcharge shall be on file with the Authority.
- d) The levy of a surcharge is NOT an enforcement action. Payment of surcharge shall not relieve the Industrial User and/or permittee of the discharge limits set forth on the Industrial User and/or permittee.

Section 9. Potentially Hazardous Discharges

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in Section 3 of this Article, are prohibited in Section 4 of this Article, or which in the judgment of the Authority may have a deleterious effect upon the sewage works, processes, equipment, receiving water, sludge, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may:

- a) reject the waste;
- b) require pretreatment to an acceptable condition for discharge into the public sewers;
- c) require control over the quantities and rates of discharge through a permit; or
- d) any combination of two or more of the above.

ARTICLE VII - WASTEWATER DISCHARGE PERMIT REQUIREMENTS

Section 1. Wastewater Discharge Permits Required

It shall be unlawful to discharge to the POTW any wastewater within City or in any area under the jurisdiction of the Authority except as authorized by the Authority in accordance with the provisions of this Ordinance.

Section 2. Wastewater Discharge Permit Contents

- a) Wastewater discharge permits shall include such conditions as are deemed necessary by the Authority 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, protect ambient air quality, and protect against damage to the POTW. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges, and fees established by the Authority. The Wastewater Discharge Permit shall contain the following conditions:
 - 1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.
 - 2) A statement that the permit is nontransferable without prior notification to and approval from the Authority, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
 - 3) Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
 - 4) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, sample type, and resampling requirements based on Federal, State and local law. They must also include notification of slug loading, spills, bypasses or upsets, significant changes in discharge, and 24-hour notification of violations.
 - 5) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule shall not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- b) In addition, wastewater discharge permits may contain, but need not be limited to the following:
 - 1) Limits on the average and/or maximum rate of discharge, time/number of hours of discharge, and/or requirements for flow regulation and equalization.

- 2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- 3) 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 and or sewer system.
- 4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.
- 5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- 6) The unit charge or schedule of Industrial User charges and fees for the management of the wastewater to the POTW.
- 7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- 8) 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.
- 9) Other conditions as deemed appropriate by the Authority to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.
- 10) A compliance schedule.

Section 3. Wastewater Discharge Permit Application Process and Contents

- a) IUs required to obtain a Wastewater Discharge permit shall complete and file with the Authority an application in the form prescribed by the Authority, and accompanied by a fee based on an annual fee schedule provided by the Authority. Existing users shall apply for a Wastewater Discharge Permit within 30 days after the effective date of this Ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.
- b) A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with this Section, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.
- c) In order to be considered for a wastewater discharge permit, all Industrial Users required to have a wastewater discharge permit must submit the information required by Section 8 (a) (2) of this Article. The Authority shall approve a form to be used as a permit application. In addition, the following information shall be required:
 - 1) 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 accidentally or intentionally be, discharged to the POTW.

- 2) Number and type of employees, hours of operation, and proposed or actual hours of operation of the Industrial Pretreatment Plant.
- 3) Each product produced by type, amount, process or processes, and rate of production.
- 4) Type and amount of raw materials processed (average and maximum per day).
- 5) The 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.
- 6) Wastewater flows, constituents and characteristics. Industrial users must monitor their wastewater for 129 priority pollutants at the time of permit application and annually thereafter.
- 7) Time and duration of the discharge.
- 8) Any other information as may be deemed necessary by the Authority to evaluate the wastewater discharge permit application.
- 9) All wastewater discharge permit applications and Industrial User reports must contain the following certification statement and be signed by an authorized representative of the Industrial User.

"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."

Section 4. Permit Appeals

Any person including the Industrial User, may petition the Authority to reconsider the terms of a wastewater discharge permit within sixty (60) days of its issuance. The following conditions shall apply to the appeal process:

- a) Failure to submit a timely petition for review shall be a waiver of the administrative appeal.
- b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- d) If the Authority fails to act within sixty days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.
- e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Fayette County within (30) thirty days.

Section 5. Permit Modification

The Authority may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- a) To incorporate any new or revised Federal, State or local pretreatment standard or requirements,
- b) To address significant alterations or modifications to the Industrial User's operation, processes, or wastewater volume or characteristics since the time of wastewater discharge permit issuance.
- c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge,
- d) Information indicating that the permitted discharge poses a threat to the Authority's POTW, the Authority's personnel or the receiving water,
- e) Violation of any terms or conditions of the wastewater discharge permit,
- f) Misrepresentations or failure to fully disclose relevant facts in the wastewater discharge permit application or in any required reporting,
- g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13,
- h) To correct typographical or other errors in the wastewater discharge permit
- i) To reflect a transfer of the Facility ownership and/or operation to a new owner/operation.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

All Industrial Users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit under Local Limits shall provide appropriate reports to the Authority as may be required.

When requested by the Authority, all Industrial Users must submit information on the nature and characteristics of their wastewater by completing an Industrial Waste Questionnaire and Permit Application prior to commencing their discharge. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of this ordinance.

Section 6. Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least ninety (90) days advance notice to the Authority and the Authority approves the wastewater discharge permit transfer, unless the Authority accepts an alternative prior notice period. The notice to the Authority must include a written certification by the new owner and/or operator which:

- a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b) Identifies the specific date on which the transfer is to occur; and
- c) 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 on the date of facility transfer.

Section 7. Revocation of Permits

Wastewater discharge permits may be revoked for any of the following reasons:

- a) Failure to notify the Authority of significant process changes that affect wastewater discharge flow and characteristics;
- b) Failure to provide prior notification to the Authority of changed condition(s) pursuant to Sections 8(d), (f), and (h) of this Article;
- c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d) Falsifying self-monitoring reports;
- e) Tampering with monitoring equipment;
- f) Refusing to allow the Authority access to the facility premises and records;
- g) Failure to meet effluent limitations;
- h) Failure to pay fines;
- i) Failure to pay sewer charges and or industrial surcharges;
- j) Failure to meet compliance schedules;
- k) Failure to complete a wastewater surveyor the wastewater discharge permit application form;
- l) Failure to provide advance notice of the transfer of a permitted facility;
- m) Repeat violations of any pretreatment standard or requirements, or any terms of the wastewater discharge permit or the Ordinance.

Section 8. Monitoring and Reporting Requirements

Wastewater discharge permits shall be voidable upon nonuse or cessation of operations. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

- a) Baseline Monitoring Report
 - 1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical users, currently discharging to or scheduled to discharge to the POTW shall submit to the Authority a report which contains the information listed in paragraph (2) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Authority a report which contains the information listed in paragraph 2(i)-(v), below. A new source shall report the method of pretreatment it intends to use to meet local limits and applicable categorical standards. A new source shall also give estimates of its anticipated flow and pH range and quantity of pollutants to be discharged.
 - 2) Users described above shall submit the information set forth below:
 - (i) Identifying Information. The name and address of the facility including the name of the operator and owner.

(ii) Environmental Permits. A list of any environmental control permits held by or for the facility,

(iii) Description of Operation. 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 should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(iv) Measurement of Pollutants

- 1) Identify the categorical pretreatment standard applicable to each regulated process.
- 2) Submit the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Authority, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, 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 Section 8(n) of this Article.

(v) Flow Measurements

The Industrial User shall submit information showing the measured average daily and maximum daily flow in gallons per day to the POTW from each of the following:

- 1) Regulated process stream, and
- 2) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e). The Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(vi) Certification

A statement, reviewed by the user's authorized representative and certified by a qualified Professional Engineer competent in the field of sewage and industrial waste treatment, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standard and requirements.

(vii) Compliance Schedule

- 1) If additional pretreatment and/or O&M will be required to meet the pretreatment standard, the IU shall submit the shortest schedule by which the IU 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 standards.
- 2) A compliance 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

IU to meet the applicable pretreatment standards (e.g., hiring an Engineer competent in the field of sewage and industrial waste treatment, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operations). No increments referred to above shall exceed nine (9) months.

- 3) The Industrial User shall submit a progress report to the Authority no later than fourteen (14) days following each date for compliance including, at a minimum, whether or not it complied with the increment of progress, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and, if appropriate, the steps being taken by the Industrial User to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

b) 90 Day Compliance Report

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards and local limits, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any Industrial Users subject to such pretreatment standards and requirements shall submit to the Authority a report containing the information described in Section 8(a) (iv)-(vi) of this Article. For Industrial Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a long-term production rate. For all other Industrial Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharges per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified.

c) Monthly Monitoring Reports

- 1) Any significant categorical or noncategorical Industrial User subject to a pretreatment standard (local limit or categorical standard) shall, submit monitoring reports indicating the nature and concentration of pollutants in the effluent which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. Significant industrial users are required to monitor and report at least twice per year. However, the Authority at its discretion may require more frequent monitoring. All monitoring reports must be signed and certified. Reports are due by the 15th of the month following the compliance period.
- 2) All wastewater samples must be representative of the Industrial 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 an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.
- 3) If an Industrial User subject to the reporting requirements of this Section monitors any pollutants more frequently than required by the POTW, using

the procedures specified 40 CFR 136, the result of this monitoring shall be included in the report.

- 4) Any person signing a baseline monitoring report [Section 8(a)]; 90 day compliance report [Section 8(b)] or Periodic Compliance Reports submitted pursuant to this section shall make the following certification:

"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.

d) Notice of Significant Changes

Each Industrial User is required promptly to notify the Authority in advance of any planned significant changes to the Industrial User's operations or system which might significantly alter the nature or volume of its wastewater, including listed or characteristic hazardous wastes, at least ninety days before the change. If an Industrial User changes its processes in any material way, the Authority must be notified.

- 1) The Authority may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
- 2) The Authority may issue a wastewater discharge permit, modify an existing wastewater discharge permit, condition a wastewater discharge permit, or deny a wastewater discharge permit.
- 3) No Industrial User shall implement the planned changed condition(s) covered by this provision until and unless the Authority has approved and responded to the Industrial User's request.

e) Reporting Potential Problems

- 1) In the case of any discharge including, but not limited to, accidental discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the Authority's NPDES permit), it is the responsibility of the Industrial User to immediately telephone and notify the Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective action taken by the Industrial User.
- 2) Within five (5) days following such discharge, the Industrial User shall, unless waived by the Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not

relieve the IU of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the IU of any fines, civil penalties, or other liability which may be imposed by this Ordinance or applicable state or federal law.

- 3) Failure to notify the Authority of potential problem discharges shall be deemed a separate violation of this Ordinance.
- 4) A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees of whom to call in the event of a discharge described in paragraph (1) of this Section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

f) Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an IU indicates a violation, the IU must notify the Authority 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 Authority within thirty (30) days after becoming aware of the violation. The IU is not required to resample if the Authority monitors at the IU's facility at least once a month, or if the Authority samples between the IU's initial sampling and when the IU receives the sampling results.

g) Notice of Bypass

- 1) For the purposes of this section "bypass" means the intentional diversion of wastestreams from any portion of an IU's treatment facility; "Severe property damage" means 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 mean economic loss caused by delays in production.
- 2) 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 section (3) - (5) of this section and Section (h).
- 3) If an IU knows in advance of the need for a bypass, the user shall submit written notification to the Authority at least ten (10) working days in advance and receive approval prior to the bypass. (Working days are Monday through Friday).
- 4) An Industrial User shall submit oral notice of an unanticipated bypass to the Authority within one hour from the time the Industrial User becomes aware of the bypass.
- 5) A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain the following: cause and description of the bypass, exact dates and times of bypass, if the bypass has not been corrected, the anticipated

time it is expected to continue, steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

h) Prohibition of Bypass

Bypass is generally prohibited, and the Authority may take enforcement action against the Industrial User for a bypass. The Authority may approve a bypass, after considering its adverse effects, if the Authority determines the following:

- 1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2) there were no feasible alternatives to the bypass, such as the cessation of production or operation, operational changes to reduce the impact or duration of the bypass, 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; and
- 3) the Industrial User submitted notices as required under paragraph (f) of this section.

i) Hazardous Waste Notification

- 1) Any Industrial User shall notify in writing the Authority's General Manager, the EPA Regional Waste Management Division Director, and Georgia EPD's hazardous waste authorities of any discharge into the Authority's POTW of a substance, which, if otherwise disposed of, would be a hazardous waste as set forth in 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the Industrial User discharges more than 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 Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place no later than 180 days after the discharge commences. Any notifications under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Article VII, Section 8 (d) of this Ordinance. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements.
- 2) Dischargers are exempt from the requirements of paragraph (1) of this section during a calendar month in which IUs discharge no more than fifteen kilograms of non-acute hazardous wastes. Discharge of more than

fifteen kilograms of non-acute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

- 3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substances as a hazardous waste, the Industrial User must notify the Authority, General Manager and the POTW receiving the waste, the EPA Regional Waste Management Division Director, and State hazardous waste 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 Industrial 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.

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.

j) Accidental Discharge Plan (or Slug Discharge Plan)

Each industrial user shall provide protection from accidental discharge or slug loading of prohibited materials or other substances regulated by this Ordinance. A slug discharge is any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. Facilities to prevent accidental discharge or slug loading of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review before construction of the facility. The Authority shall evaluate all industrial users for the need for developing a slug discharge plan at least every two years. Industrial users shall complete such a plan within 90 days after being notified by the Authority. No user shall be permitted to introduce pollutants into the system until accidental discharge or slug control procedures have been approved by the Authority. A slug control plan shall contain (at a minimum) the following elements:

- 1) Description of discharge practices, including non-routine batch discharges,
- 2) Description of stored chemicals,
- 3) Procedures for immediately notifying the POTW of any accidental or slug discharge in accordance with Article VII, Section 8(e). Such notification must also be given for any discharge that would violate Article VI, Section 4, regarding discharges prohibited by the Ordinance.
- 4) Procedures to prevent adverse impacts from accidental spills or slug discharges. Such procedures must 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 run-off, worker

training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

- k) 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 U.S. Postal Service, the date of receipt of the report shall govern.
- l) Industrial Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records and information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring undertaken by the user independent of such requirements. Records shall include the date; exact place, method, and time of sampling; and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. 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 Authority, or where the user has been specifically notified of a longer retention period by the Authority.
- m) Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the IU specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes, or method of production entitled to protection as trade secrets of the IU. When requested by the person furnishing a report and approved by the Authority, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, state disposal system permit and/or the pretreatment program; provided, however, that such portions of a Report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- n) 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 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
 - 1) Except as indicated in Section (2) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Authority 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, sulfides and volatile organic compounds must be obtained using grab collection techniques.

ARTICLE VIII - MISCELLANEOUS TREATMENT REQUIREMENTS

Section 1. Grease, Oil, and Sand/Grit Interceptors Required

- a) Requirements. Grease, oil, sand interceptors, and flow equalization shall be provided when they are necessary for the proper handling of liquid wastes containing grease, sand, other harmful ingredients, or rate of flow.
 - 1) New Food Service Facilities. All proposed or newly remodeled food service facilities inside the Authority's wastewater service area shall be required to install an approved, properly operated, and maintained grease interceptor. All interceptor units shall be installed outdoors of the food service facility building unless the user can demonstrate to the General Manager that an outdoor interceptor would not be feasible. All interceptor units shall be of the type and capacity approved by the General Manager.
 - 2) Existing Food Service Facilities. All existing food service facilities inside the Authority's wastewater service area are expected to conduct their operations in such a manner that grease is captured on the user's premises and then properly disposed. Existing food service facilities will be handled according to conditions described in the Authority's FOG Control Program.
 - (i) Replacement of an existing grease interceptor shall be subject to the standards applicable to new installation of a grease interceptor set out in Article VIII, Section 1, A.1
 - 3) All interceptors shall be of a type and capacity approved by the Authority and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease, oil, and sand/grit Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature.
 - 4) The requirements of this section shall not apply to private living quarters or dwelling units.
 - 5) All users whose wastewater discharge is associated with large quantities of grit, sand, or gravel shall be required to install a sand interceptor or trap. All car/truck wash systems shall be required to install sand/grit interceptors.
- b) Design Criteria. Plans and specifications for grease interceptors shall be submitted to the Authority for approval. The Authority shall review the grease interceptor design in accordance with minimum design and construction criteria established by the Authority's current standards and specifications. All interceptors shall be of the type and capacity approved by the Authority and the General Manager.
 - 1) Outdoor Grease Interceptor. Outdoor grease interceptors shall not have a capacity of less than 1500 gallons and not exceed a capacity of 3000 gallons. If the required capacity exceeds 3000 gallons, then multiple units in series shall be installed.
 - 2) Indoor Grease Traps. If it is determined that a facility may use an indoor grease trap, then the General Manager may approve the installation of an indoor grease trap provided the establishment supplies the Authority with

adequate documentation and details concerning the proposed trap's sizing requirements and manufacturer information.

- 3) Alternative Grease Interceptors. The General Manager may approve the use of alternative grease interceptor technologies if it is determined that such a device would be as effective or more effective than a traditional system. If approved, any such device must be wired directly to the circuit breaker.
 - (i) The user shall provide the following information to allow the General Manager to evaluate the proposed technology:
 1. Complete information regarding the performance and proof of the effectiveness of removing FOG of the with the proposed alternative grease interceptor technology, including specifications for maintenance service frequency and other performance related documents as may be required.
 2. The manufacturer's installation and operation manuals.
 - (ii) If approved, the user shall install and maintain such device in accordance with the manufacturer's installation and operation specifications; provided however, frequency of maintenance shall not be less than the Authority's FOG Control Program requirements.
 - 4) Prohibited Discharges. Domestic wastewater and/or fryer oil shall not be discharged to the grease interceptor.
 - 5) Location. Each grease interceptor shall be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the intercepted grease at any time. A grease interceptor may not be installed inside any part of a building unless approved in writing by the Authority. The user bears the burden of demonstrating that an outdoor grease interceptor is not feasible.
- c) Maintenance. When installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
- 1) Pumping. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing volume to be disposed is strictly prohibited.
 - 2) Frequency. Outdoor grease interceptors must be pumped out completely a minimum of once every three months. Under the sink or indoor grease interceptors must be pumped/cleaned out completely a minimum of once per month. Grease interceptors may need to be pumped more frequently as needed to prevent carry over of grease into the sanitary sewer collection system. Pumping frequency may be extended past the minimum period if the user can demonstrate that it is sufficient and approved by the Authority.
 - 3) Disposal of Interceptor Contents. All waste removed from each grease interceptor shall be recorded on a proper manifest form. In no way shall

the pumped material be returned to any private or public portion of the sanitary sewer collection system. Responsibility for waste removed from or found in a grease interceptor or waste improperly disposed of shall be placed upon the private company generator food service facility owner and/or the waste hauler responsible. Both parties may be subject to fines described in Article X, Section 4.

- 4) Additives. Any additives placed into the grease interceptor or building discharge line on a constant, regular, or scheduled basis shall be reported to the Authority. Such additives shall include, but are not limited to commercially available bacteria or other additives designed to absorb, consume, or treat fats, oils, and grease. The use of additives shall in no way be considered as an alternative technology or a substitution for maintenance procedures required herein.
 - 5) Chemicals. Chemical treatments such as drain cleaners, enzymes, acids, and other chemicals designed to dissolve, purge, or remove grease shall not be allowed to enter the grease interceptor.
- d) FOG Control Program. The purpose of this program is to minimize the introduction of fats, oils, and grease into the Peachtree City Water and Sewerage Authority wastewater collection system. The main components of the program are the proper sizing, installation and maintenance of grease interceptors. The administrative and inspection requirements of food service facilities are established herein.
- 1) All grease, oil, and sand interceptors or traps shall be maintained by the user at their expense, in continuously efficient operation at all times and as according to the Authority's FOG Control Program.
 - 2) In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material, shall maintain records of the dates, volume, and means of disposal which are subject to review by the Authority. The frequency of removal shall be in accordance with the Authority's FOG Control Program.
 - 3) Any removal and hauling of the collected materials not performed by the owner's employees must be performed by an Authority approved waste disposal firm. In no manner shall any grease interceptor pumpage be discharged to the Authority's sewer collection system as otherwise prohibited in the sewer use ordinance.
 - 4) Requirements. All existing food service facilities inside the Authority's wastewater service area are expected to conduct their operations in such a manner that grease is captured on the user's premises and then properly disposed. Existing food service facilities will be handled under the Authority's FOG Control Program in the following manner:
 - (i) The Authority will periodically inspect each food service facility on an as-needed basis to assure that each facility is complying with the intent of the FOG Control Program. Maintenance records will also be reviewed. The Authority shall determine the inspection frequency and/or schedule.

- (ii) Following the inspections, the Authority will send written notice to the inspected food service facilities, containing a summary of the policy requirements, and the results of the inspection. The notice will also inform the facility if any deficiencies were found and what action must be taken in order to correct those deficiencies.
 - (iii) Penalties. The grease interceptor users are subject to enforcement set forth in Article X, Section 4.
- 5) Inspection and Entry. Authorized personnel of the Authority, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing, or record review, as part of this program.
 - (i) An inspection by the Authority may be conducted on all oil, grease, and sand/grit interceptors and shall require the owner to correct any deficiencies immediately at his own expense.
- 6) Records. All users must keep a record of any cleaning or maintenance of their grease interceptor. The following records must be kept on-site at the food service facility for a period of three years:
 - (i) Manifests are required for all grease interceptors and shall contain the following information:
 - 1. Food service facility (generator) information, including name, address, volume pumped, date and time of pumping, and generator signature verifying the information;
 - 2. Transporter information, including company name, address, license plate number, permit number, driver name, and driver signature verifying transporter information; and
 - 3. Receiving information, including facility name, address, date and time of receiving, EPD permit number, and signature verifying receipt of the waste;
 - 4. The Authority has the right to require manifests to be mailed, faxed, and/or electronically submitted within 14 days of interceptor maintenance;
 - 5. A manifest may not be required for under-sink or indoor grease interceptors, if user can demonstrate to the Authority a valid reason not to use one.
 - (ii) Maintenance logs are required for all under-sink and indoor interceptors. This log shall include the date, time, amount pumped or cleaned, hauler, disposal site, and signature. Log shall be kept in a conspicuous location for inspection. This log shall be made immediately available to any representative of the Authority upon request.

e) FOG Transporters. Authority has the right to approve transporters that conduct business within the Authority's wastewater service area. The approval process is defined herein:

- 1) The FOG transporter approval process will consist of an evaluation of the transporter's equipment, business practices, methods, and ultimate disposal location.
 - (i) The transporter must have a verifiable location of ultimate disposal.
 - (ii) The transporter must provide proof of delivery and volume, which can be contained within the manifest.
- 2) The Authority has the right to require all approved transporters to submit a copy of all manifests, showing proof of ultimate disposal, that pertain to facilities or generators within the Authority's wastewater service area.
- 3) A list of approved transporters will be made available to all new and existing food service facilities that contain a grease interceptor.
- 4) Failure to comply with any provisions contained within the sewer use ordinance, in the opinion of the Authority, will result in a transporter being removed from the approved list.
- 5)

Section 2. Maintenance of Treatment Facilities

When preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his/her expense. 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 this Ordinance within the limitations specified by EPA, the state of Georgia, or the Authority, 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 Authority for review, and shall be acceptable to the Authority 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 Authority under the provisions of this Ordinance.

Section 3. Manholes Required

When required by the Authority's General Manager, the owner of any property serviced by a building sewer carrying industrial or commercial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Authority's General Manager. The manhole shall be installed by the Owner at his/her expense, and shall be maintained by the Owner so as to be safe and accessible at all times.

Section 4. Removal, Transportation and Disposition of Hauled Wastes

- a) The Authority may prohibit disposal of hauled waste, including hauled industrial waste. Other materials and substances, chemical or chemical compounds and/or industrial wastes will not be permitted to be discharged into the public sewerage system except as heretofore provided.
- b) If any hauled waste is allowed, the discharge of the wastes shall be made only at a location in the sewage treatment plant and at such times as may be designated by the Authority. Such waste shall not violate Article VI of this Ordinance or any other requirements established by the Authority.
- c) Hauled wastes, at the option of the Authority, may be admitted into the sewerage system only by permit and subject to payment of a fee, according to the fee schedule established by the Authority.
- d) The applicant shall be the owner of the vehicle discharging the wastes.
- e) Prior to discharging any hauled wastes, the applicant shall be required to file a statement identifying the exact location of the waste source or sources of each load discharged. This statement shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of business and known or suspected waste constituents. Any false, misleading or untruthful statement as to the nature or source of the material shall be cause for rejection of any further discharge from the applicant. Such discharges may also be suspended or terminated at any time by the Authority's General Manager.
- f) All equipment, such as trucks, tanks, pumps, and hoses used in the collection and/or transportation of hauled wastes shall be modern equipment in good repair. When more than one vehicle is used by an applicant, each vehicle shall bear an identifying number.
- g) All applicants for a permit shall furnish the following information with each application:
 - 1) Name and address of applicant;
 - 2) Volume of hauled waste for each numbered vehicle; and
 - 3) Number of hauled wastes vehicles in collection service.

ARTICLE IX - PROTECTION FROM DAMAGE

Section 1. Vandalism

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 POTW. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct, vandalism, and/or destruction of public property.

ARTICLE X - ENFORCEMENT

Section 1. Inspections

- a) The Authority and its authorized agents shall have the right to enter the facilities of any Industrial User or other nonresidential user to ascertain whether the purpose of this Ordinance, and any permit or order issued hereunder, is being met and whether the Industrial User or other nonresidential user is complying with all requirements thereof. The Authority and/or authorized agents may randomly sample and analyze the effluent from Industrial Users or other nonresidential users and conduct surveillance activities in order to identify, independent of information supplied by Industrial Users or other nonresidential users, continuing compliance with pretreatment standards. Industrial Users or other nonresidential users shall allow the Authority or its authorized agents ready access to all parts of the premises for the purpose of inspection, sampling, record examination and copying and performance of any additional duties.
- 1) Where an Industrial User or other nonresidential user has security measures in force which require proper identification and clearance before entry into its premises, the Industrial User or other nonresidential user shall make necessary arrangements with its security guard so that, upon presentation of suitable identification, personnel from the Authority, State, and EPA will be permitted to enter without delay, for the purpose of performing their specific responsibilities.
 - 2) The Authority, State, and EPA shall have the right to set up on the Industrial User's or other nonresidential user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the IU's operations.
 - 3) The Authority may require the Industrial User or other nonresidential 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 Industrial User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated every six months to insure their accuracy. Copies of all calibration records containing name, address and calibration results, along with a certification document, will be supplied along with the self-monitoring reports.
 - 4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written request of the Authority and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User or other nonresidential user.
 - 5) Unreasonable delays in allowing the Authority access to the Industrial User's or other nonresidential user's premises shall be a violation of this Ordinance.
- b) If the Authority has been refused access to a building, structure or property or any part thereof, and if the Authority has demonstrated probable cause to believe that there may be a violation of this Ordinance or that there is need to inspect as part of a routine inspection program of the Authority designed to verify compliance with this Ordinance or any permit or

order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Authority may obtain from the Fayette County Superior Court a search and/or seizure warrant which shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Authority in the company of a uniformed police officer of the City. In the event of an emergency affecting public health and safety, inspection may be made at any time without the issuance of a warrant.

Section 3. Legal Actions Available

If any person discharges sewage, industrial wastes or other wastes into the Authority's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the Authority, the Authority Attorney may commence an action for appropriate legal and/or equitable relief in the Superior Court of Fayette County.

Section 4. Enforcement Violations: Availability of Administrative, Civil and Criminal Penalties and Injunctive Relief

a) Administrative Penalties

Any User who is found to have violated or continues to violate an order of the Authority or who willfully or negligently fails to comply with any provision of this Ordinance, or the orders, rules, regulations or permits issued hereunder shall be liable for administrative penalties in at least the amount of One Thousand Dollars (\$1,000) per day for each violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Unpaid fines shall after 30 calendar days be assessed an additional penalty of 25% of the unpaid balance and interest shall accrue thereafter at the rate of 1.5% per month. A lien against the user's property may also be sought. The Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. Users desiring to dispute fines must file a written request to the Authority to reconsider the fine along with full payment of the fine within 10 days of being notified of the fine. The Authority may convene a hearing on the matter and return partial or full payment, where appropriate.

b) Civil Penalties

Civil penalties are obtained through the superior court of Fayette County by maintaining a civil action against the industrial user who is in alleged violation of the pretreatment ordinance and obtaining a judgment against the user. When the Authority pursues a civil action, it is generally seeking compensatory and punitive damages against the industrial user for alleged harm resulting from the industrial user's violations.

Any User who is found to have violated or continues to violate an order of the Authority or who fails to comply with any provision of this Ordinance, or the orders, rules, regulations or permits issued hereunder shall be liable for civil penalties in at least the amount of One Thousand Dollars (\$1,000) per day for each violation. Each day on which a violation occurs

or continues shall be deemed a separate and distinct offense. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

In addition to the penalties provided herein, the Authority may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulation and permits issued hereunder.

c) Criminal Penalties

- 1) A user who negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1000 per violation, per day, or imprisonment for not more than six months or both.
- 2) A user who willfully introduces any substance into the POTW which places another person in imminent danger of death or serious bodily harm shall, upon conviction, be guilty of a felony and be subject to imprisonment for a term exceeding one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under Georgia law.
- 3) A user who makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained pursuant to this Ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1000 per violation, per day, or imprisonment for not more than 6 months, or both.

Section 5. "Show Cause" Orders and Hearings

The Authority may order any Industrial User which causes or contributes to violation of this Ordinance or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice will be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting will be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be always a prerequisite for taking any action against the user.

Section 6. Notice of Violation

Whenever the Authority finds that any user has violated or is violating this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Authority or its agent may serve upon said user a written Notice of Violation. Within (fourteen) 14 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Authority. 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 Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 7. Availability of Consent Orders

The Authority is hereby empowered to enter into a Consent Order with assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 8 and 9 below of this Article and shall be judicially enforceable.

Section 8. Issuance of Compliance Orders

When the Authority finds that a user has violated or continues to violate the Ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, it may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified period. If the user does not come into compliance within the specified period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. The compliance order may also contain other requirements to address the noncompliance, including 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 Federal pretreatment standard or requirement, and a compliance order does not release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not always be a prerequisite to taking any action against the user.

Section 9. Issuance of Cease and Desist Orders

When the Authority finds that a user has violated or continues to violate this Ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- a) Immediately comply with all requirements, and
- b) 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 prerequisite to taking any other action against the user.

Section 10. Suspension of Discharges

The Authority may immediately suspend a user's discharge (after notice to the user) whenever such suspension is necessary in order 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 Authority may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an imminent and substantial endangerment to the environment.

- a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary, including immediate plugging or severing of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Authority shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings set forth in Section 11 are initiated against the user.
- b) A user that 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 Authority, prior to the date of any show cause order of termination hearing under Sections 5 and 11. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Section 11. Termination of Discharges

Any user that violates the following conditions of this Ordinance, wastewater discharge permits, or orders issue hereunder, is subject to discharge termination.

- a) Violation of wastewater discharge permit conditions
- b) Failure to accurately report the wastewater constituents and characteristics of its discharge
- c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge
- d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling
- e) Violation of the pretreatment standards in this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 5 of this Article as to why the proposed action should not be taken.

Section 12. Injunctive Relief

When the Authority finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Authority may petition Fayette County Superior Court for the issuance of a

temporary 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 Authority may also seek 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.

Section 13. Public Notice of Users in Violation

The Authority shall publish annually, in the newspaper of largest weekly circulation published in Peachtree City or Fayette County where the POTW is located, a list of all Industrial Users which during the previous twelve months were in significant noncompliance with applicable pretreatment standards and requirements.

ARTICLE XI - ADDITIONAL AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Section 1. Upset

- a) For the purposes of this section, “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 preventive maintenance, or careless or improper operation.
- b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (e), below, are met.
- c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1) An upset occurred and the user can identify the cause(s) of the upset;
 - 2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - 3) The user has submitted the following information to the Authority 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.
- d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- e) 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.
- f) 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.

Section 2. Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Article VI, Section 3 of this Ordinance or the specific prohibitions in Article VI, Section 4 (b) (d-i) and (k-r) of this Ordinance 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:

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

ARTICLE XII - VALIDITY

Section 1. Validity

- a) This ordinance replaces by amendment any previously adopted versions of the sewer use ordinance.
- b) Any invalid article, clause, sentence, or provision of this ordinance shall be considered stricken from the document and shall not affect the validity of the ordinance.

Section 2. Amendments

Peachtree City Water and Sewerage Authority has the right to amend the ordinance upon giving public notice as required under terms of this Ordinance. In cases of emergencies or in cases in which the Authority is required to adopt immediate rules or regulations to comply with federal, state, or local rules, regulations, and the laws, this Ordinance may be amended by the Authority without notice to the public.

ARTICLE XIII RESOLUTION IN FORCE

- a) This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE I, SECTION 82-4, OF THE UTILITIES AND SERVICES ORDINANCE OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that:

Section 1. Chapter 82, Article 1, Section 82-4, of the Peachtree City Code of Ordinances, as amended, be further amended as follows:

Sec. 82-4. – Adoption of sewer use and pretreatment ordinance.

The mayor and council do adopt the sewer use and pretreatment ordinance signed on May 17, 2018, with the Water and Sewerage Authority. The sewer use and pretreatment ordinance is on file and available for inspection in the office of the city clerk.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE I, SECTION 82-4, OF THE UTILITIES AND SERVICES ORDINANCE OF THE CITY OF PEACHTREE CITY, GEORGIA, AS AMENDED; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that:

Section 1. Chapter 82, Article 1, Section 82-4, of the Peachtree City Code of Ordinances, as amended, be deleted in its entirety and replaced as follows:

Sec. 82-4. – Adoption of sewer use and pretreatment ordinance.

The mayor and council do adopt the sewer use and pretreatment ordinance signed on May 17, 2018, with the Water and Sewerage Authority. The sewer use and pretreatment ordinance is on file and available for inspection in the office of the city clerk.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager 

FROM: Ellece Brown, Director, HR & Risk Management 

DATE: May 9, 2018

SUBJECT: Authorization to Hire Additional Staff in the Police and Fire Departments Due to Military Deployments
May 17, 2018, City Council Meeting

Recommendation:

That Council approve the hiring of two (2) additional Police Officer positions in the Police Department and one (1) additional Firefighter/EMT (or Paramedic) position in the Fire Department.

Discussion:

It is common that many Police Officers and Firefighters have served in the military, and many continue to serve in the Reserves after leaving the military for civilian positions. Currently, we have 65 approved sworn Police Officer positions in the Police Department with three of those officers currently on extended military leave. We have had an average of two officers on extended military leave for at least the past 2-3 years, and, as required by Federal law, we must keep these positions open for those officers when they return. Similarly, we have 64 approved full-time Firefighter and Fire Officer positions with one of those Firefighters currently on extended military deployment. This position has been open for approximately 4-5 years. Because of the open positions due to military leave, light duty assignments, and regular attrition, we have operated below our approved headcount for many years, which has made manpower planning difficult. Even though our recommendation is to add an additional two (2) Police Officers and one (1) Firefighter, we do not anticipate exceeding our approved total budgetary headcount numbers because of attrition. The additional employees will actually allow us to more closely operate at appropriate staffing levels.

Budget Impact:

We do not expect that hiring these additional three (3) staff members will increase the budget because the average number of headcount positions in the Police and the Fire Departments will remain at or below the approved budgetary headcount.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

VIA: Jonathan N. Rorie, City Manager

FROM: Betsy Tyler, Public Information Officer/City Clerk 

DATE: May 11, 2018

SUBJECT: Consider Ordinance Amendment and Resolution for 5% Cable Franchise Fee
May 17, 2018, City Council Meeting

Recommendation:

That Council approve the attached resolution and amendment to the Community Antenna Television Systems Ordinance setting a Cable Television Franchise Fee of 5%.

Discussion:

At the May 3 City Council meeting, the Financial Services Director and Peachtree City's Telecommunications Consultant briefed Council on the declining revenues from the City's 4% cable television franchise fee and discussed potential ways to offset this loss. One component, the regulation of and associated fees for other users of Peachtree City's public rights-of-way, will be discussed further during the Council/Staff Topics portion of the May 17 Meeting. However, the recommendation of Msrs. Salvatore and Davis was to increase Peachtree City's 4% cable television franchise fee to the maximum allowable fee of 5% of gross revenues.

Should Council wish to make this adjustment, an ordinance amendment is needed, along with a resolution for transmission to the Secretary of State for franchises issued by that agency. Both the ordinance amendment and resolution are attached for consideration.

Budget Impact:

This item should have a temporary positive impact on franchise fees collected by the City as overall cable television subscriptions continue to decline in favor of fiber service.

AN ORDINANCE TO AMEND ARTICLE III, FRANCHISE, OF THE PEACHTREE CITY COMMUNITY ANTENNA TELEVISION SYSTEMS ORDINANCE, AS AMENDED, TO PROVIDE FOR THE FRANCHISE FEE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY, GEORGIA, THAT:

Section 1. Article III, Section 26-184, Subparagraph (a), of the Community Antenna Television Systems Ordinance of the City of Peachtree City, Georgia, as amended, is further amended and is to be codified as follows:

Sec. 26-184. - Franchise fee.

- (a) The grantee shall pay to the city, on a quarterly basis four times a year, a ~~four percent~~ franchise fee based on gross revenues received for the preceding quarter. Said fee shall be four percent of gross revenues received through September 30, 2018, and shall be five percent of gross revenues received on or after October 1, 2018. No other fee, charge or consideration shall be imposed, except that the council may set goals in the field of cable television and after appropriate showings made by the council that the franchise fee in excess of four percent but no greater than five percent is appropriate in light of the city's planned regulatory program for cable television. A grantee shall file with the city within 45 days after the expiration of each quarter during the period the franchise shall be in force a financial statement showing in detail the gross revenues of the grantee during the preceding quarter. It shall be the duty of a grantee to pay to the city the franchise fee for the preceding quarter within 45 days after the end of the quarter. For purposes of this article, the quarters shall end on March 31, June 30, September 30 and December 31 of each year. A grantee shall also file within 90 days following the conclusion of each fiscal year of a grantee an annual report prepared and audited by an independent certified public accountant acceptable to the city showing the yearly total gross revenues (and the composition of those revenues), payments to the city, and information pertinent to the revenue of the cable television system.

Section 2. All ordinances or parts thereof which conflict with the provisions of this ordinance are, to the extent of such conflict and except as hereinafter provided, hereby repealed.

Section 3. Should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or

any provision thereof other than the provisions specifically declared to be invalid. The City Council declares that it would have passed this ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared invalid.

Section 4. This ordinance shall be in full force and effect upon its official adoption by the City Council.

This _____ day of _____ 2018.

Vanessa Fleisch, Mayor

Attest: _____
Betsy Tyler, City Clerk

RESOLUTION No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEACHTREE CITY TO ESTABLISH A FRANCHISE FEE APPLICABLE TO HOLDERS OF CABLE AND VIDEO FRANCHISES ISSUED BY THE STATE OF GEORGIA.

WHEREAS, the City of Peachtree City, Georgia (the "City of Peachtree City"), collects a franchise fee from providers of cable or video services utilizing the public rights-of-way as compensation to the public for the use of the rights-of-way and to promote safety, welfare, public health, and economic development, and to protect the public infrastructure of the City of Peachtree City; and

WHEREAS, federal and state law authorizes the City of Peachtree City to collect a franchise fee from providers of cable or video services of up to 5% of gross revenues derived from the provisioning of cable or video services generated within the City of Peachtree City; and

NOW THEREFORE BE IT RESOLVED, that the City of Peachtree City hereby requires each service provider authorized to provide cable or video services under a franchise issued by the City of Peachtree City or the State of Georgia to pay a franchise fee of 5% of gross revenues derived from the provisioning of cable or video services generated within the corporate boundaries of the City of Peachtree City as authorized by a franchise issued by the City of Peachtree City or the State of Georgia pursuant to O.C.G.A. 36-76-1 et seq. known as the "Consumer Choice for Television Act" of 2007.

IT IS SO RESOLVED, this _____ day of May, 2018.

Vanessa Fleisch, Mayor

Attest: _____
City Clerk

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor & Council Members

FROM: Jonathan N. Rorie, City Manager 

DATE: May 11, 2018

SUBJECT: Consider Intergovernmental Agreement with Fayette County for 2004 SPLOST Funding of a Roundabout at Peachtree Pkwy/Crosstown Rd.
May 17, 2018, City Council Meeting

Recommendation:

That Council approve and authorize the Mayor to execute the attached agreement.

Discussion

Fayette County currently has remaining funds collected from the five-year, one-cent Special Purpose Local Option Sales Tax (SPLOST) approved by Fayette County voters in 2004. Remaining funds may be used for projects in the April 2003 Fayette County Transportation Plan, which includes a roundabout, or traffic circle, at the intersection of Peachtree Parkway South and Crosstown Drive.

Fayette County has agreed to provide \$1.5 million of these remaining SPLOST funds for this project, which has been discussed several times over the years. The partnership and concept plan for the intersection was most recently reviewed in detail at the April 3, 2018, City Council Retreat, and the attached agreement finalizes that discussion.

Budget Impact:

This item will provide \$1.5 million for the construction of the roundabout planned for the intersection of Peachtree Parkway South and Crosstown Drive.

STATE OF GEORGIA
COUNTY OF FAYETTE

INTERGOVERNMENTAL AGREEMENT

This Agreement entered into this _____ day of _____ between the CITY OF PEACHTREE CITY, a municipal corporation lying wholly or partially within Fayette County, Georgia, hereinafter referred to as “The City”, and FAYETTE COUNTY, GEORGIA, a political subdivision of the State of Georgia hereinafter referred to as “The County”.

W I T N E S S E T H:

WHEREAS, in 2004, the voters of Fayette County approved a one-cent Special Purpose Local Option Sales Tax (the “SPLOST”) to be collected over five (5) years, with the proceeds of said tax to be used to finance certain projects identified prior to approval of the SPLOST; and

WHEREAS, seventy (70%) percent of the collected SPLOST funds (the “321 Funds”) were designated for “County-Wide” projects, which includes any project in the April 2003 Fayette County Transportation Plan; and

WHEREAS, as of February 22, 2018, the total amount of 321 Funds received by the County is \$74,359,746.00; and

WHEREAS, as of said date, a portion of the 321 Funds had not been assigned or budgeted to a particular project, with said portion being in the amount of \$14,205,000.00; and

WHEREAS, at their meeting held on March 8, 2018, the Board of Commissioners for the County approved a program that would allocate portions of the 321 Funds to certain projects that were identified in the 2003 Fayette County Transportation Plan; and

WHEREAS, one such project was designated as I-16 “Peachtree Parkway at Crosstown Drive” , hereinafter referred to as “Project I-16”, which is a project involving the construction of a roundabout at the intersection of Peachtree Parkway and Crosstown Drive; and

WHEREAS, said project would be located within the jurisdiction of the City; and

WHEREAS, the transportation improvements proposed as Project I-16 are in the best interests of both the City and County; and

WHEREAS, Article IX, Section III, Paragraph 1(a) of the Georgia Constitution authorizes, among other things, any county, municipality or other political subdivision of the State to contract, for a period not exceeding fifty years, with another county, municipality or political subdivision, or with any other public agency, public corporation or public authority, for joint services for the provision of services, or for the provision or separate use of facilities or equipment, provided that such contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

WHEREAS, the County and the City desire to enter into an agreement for completion of the transportation improvement project designated as Project I-16, as more specifically set forth below.

NOW THEREFORE, for and in consideration of the promises and undertakings as hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the County do hereby agree as follows:

1.

The foregoing recitals are true and correct and are made a part of this Agreement as if fully set forth herein.

2.

The City shall acquire and record in the Office of the Clerk of the Superior Court of Fayette County all right-of-way and easement documents necessary to complete Project I-16.

3.

Upon receiving proof of free and clear right-of-way and any easements required for completion of Project I-16, any and all engineering reports or studies deemed necessary, and complete construction plans and specifications, the City shall solicit bids and award a contract for all construction and construction management services required to complete Project I-16, and shall cause the construction of Project I-16 to be completed.

4.

The City shall perform all work described herein in accordance with applicable county and state regulations.

5.

The County shall provide funding to the City from the 2004 SPLOST 321 Fund revenues in an amount not to exceed \$1,500,000.00 for the acquisition of right-of-way, construction, design and project management, materials and labor. If the cost of the right-of-way, construction, design and project management, materials and labor is less than \$1,500,000.00, the County will be entitled to any such savings.

6.

Any additional funding obtained through grant funds shall reduce the amount of the County's funding of Project I-16 only if said grant funds reduce the need for the full \$1,500,000.00 amount. In such a case, the City shall be entitled to 20% of the cost savings.

7.

The City agrees that it will complete the entire project that is the subject of this Agreement. Should the cost of acquisition of right-of-way, construction, design and project management, materials and labor exceed \$1,500,000.00, the City shall pay for any of these additional costs.

8.

The County will pay its portion of the project costs as invoices are submitted during the project. The County will pay all acceptable invoices within 30 days of receipt of the invoice.

9.

Miscellaneous Provisions.

a. Entire Agreement. This Agreement contains the entire agreement of the parties hereto and all understandings, representations and agreements between them. Each party warrants to the other that no agent, officer, employee, attorney or other representative of either has made any representation or statement, nor are there any agreements or understandings between or among any of the parties' representatives, upon which any party relies, that are not expressed and set forth in writing herein.

b. Further Documents. The parties shall execute such other and further documents as may be deemed necessary by either party to fulfill the intent of the parties to this Agreement.

c. Time of Essence. Time is of the essence of each and every term, provision and covenant of this Agreement.

d. Governing Law. This Agreement shall be made and shall be construed under and in accordance with the laws of the State of Georgia.

e. Captions. All captions, headings, Sections and subsection numbers and letters and other reference numbers or letters are solely for the purpose of facilitating reference to this Agreement and shall not supplement, limit or otherwise vary in any respect the text of this Agreement.

f. Counterparts. This Agreement may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

g. Severability. This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, the remainder of the Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforced to the greatest extent permitted by law.

h. Liability. Each party shall bear liability only for the actions of its own employees, agents and officials in carrying out the obligations set forth in this Agreement. The City bears all liability for any claims whatsoever that arise out of its construction activities.

i. No Waiver. No provision in this Agreement is intended to nor shall be construed to in any waive any immunities or protections provided to either the City or the County by the Constitution or laws of the State of Georgia.

j. Supervision of Employees. It is understood by the parties that no employees, officers, agents or officials of either party shall be under or subject to the direction or control of

the other party, its officers, employees agents or officials as to any of the services provided pursuant to this Agreement.

IN WITNESS WHEREOF, the parties hereto, acting by and through their duly authorized officers, have caused this Agreement to be executed under seals as of the day and year first above written.

FAYETTE COUNTY, GEORGIA

By: _____
Eric K. Maxwell, Chairman
Board of Commissioners

Attest:

Tameca P. White, County Clerk

CITY OF PEACHTREE CITY

By: _____
Vanessa Fleisch, Mayor

Attest:

Betsy Tyler, City Clerk