

FORSYTH COUNTY, GEORGIA
ORDINANCE NUMBER _____

**AN ORDINANCE BY THE BOARD OF COMMISSIONERS
OF FORSYTH COUNTY TO AMEND ARTICLE VI OF
CHAPTER 18 OF THE FORSYTH COUNTY CODE OF
ORDINANCES, RELATING TO WATER USE AND WATER
CONSERVATION, TO MODIFY THE ENFORCEMENT
PROVISIONS FOR VIOLATIONS OF THE CODE, AND
FOR OTHER LAWFUL PURPOSES.**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, Section 18-184 of the Forsyth County Code of Ordinances authorizes the Board of Commissioners to regulate and implement restrictions on outdoor water use during periods of water shortage and drought; and

WHEREAS, appropriate notice and hearing on the matters contained herein have been provided according to general and local law,

NOW THEREFORE, be it resolved and ordained by the Board of Commissioners of Forsyth County, Georgia, and it is hereby resolved and ordained by the authority of same as follows:

1.

Chapter 18, Article VI, of the Code of Forsyth County, Georgia is hereby modified by adding the following new Section 18-185, as follows:

“Sec. 18-185. Enforcement by the county department of water and sewer.

(a) No customer shall use or allow the use of water in violation of the restrictions on outdoor water use contained in or promulgated pursuant to this division.

(b) The director of the Forsyth County Department of Water and Sewer (“Department”), and his authorized agent or representative, shall be the enforcement authority for this subsection. The Board of Commissioners may also authorize other county departments as may be deemed necessary to support enforcement by the director.

(c) Unless otherwise specified or ordered by the Board of Commissioners, violators of this article or other water use restrictions issued by the Department or the Board of Commissioners shall be subject to the following schedule of

administrative penalties to the extent that violations occur within a 24-month period:

(1) First violation. Written notice posted at the property where the violation occurred. The notice shall be in writing and shall include the address of where the violation occurred, a description of the violation, and notification of the consequences of subsequent violations.

(2) Second violation. \$100.00 administrative penalty placed upon water bill of customer's property where violation occurred.

(3) Third violation. \$500.00 administrative penalty placed upon water bill of the service address where violation occurred.

(4) Fourth and subsequent violations. \$1,000.00 administrative penalty placed upon the water bill of the service address where violation occurred and service termination, plus applicable charges for reconnection of service.

(d) Notice. In addition to the posting at the property for the first violation, notices of violation for the first violation and all subsequent violations of the restrictions in this ordinance or issued pursuant to this ordinance shall be sent by certified mail to the customer of record at the customer's billing address. In the event the certified mail is declined by the customer, proof of this decline shall be maintained and the customer shall be deemed to have received the notice on the date of declination. The notice shall be in writing, include the address of where the violation occurred, a description of the violation, and the consequences of subsequent violations. The notice may order that the violation be corrected, cured, or abated immediately or within such specified time as the Department determines is reasonable under the circumstances. In the case of multi-family residential dwellings where two or more units are served by a single meter, written notice shall be mailed to the person in whose name the water bill is issued and administrative penalties shall be assessed accordingly.

(e) Any administrative penalties imposed pursuant to this section may, at the discretion of the department director under extraordinary circumstances, be waived or reduced.

(f) Any administrative penalties imposed pursuant to this section shall be payable to the Department as part of the customer's regular bill for water service and shall not be affected by the filing of any appeal. Failure to remit payment in full as required under this section and the customer's service agreement will subject the customer to a termination of service.

(g) Any customer aggrieved or adversely affected by an administrative penalty imposed pursuant to this ordinance shall have an opportunity to request and be given a hearing before the Forsyth County Zoning Board of Appeals, wherein the aggrieved or adversely affected customer shall have an opportunity to show cause as to why an administrative penalty or other enforcement action under this ordinance should not be taken. Such request shall be made in writing and delivered to the Department director, accompanied by a \$50.00 administrative processing fee, within ten (10) days of the date of receipt of the notice of violation via certified mail; or, in the event that certified mail is declined, within ten (10) days of the date of such declination.

(h) Criminal and alternative penalties. Any violation of this section may alternatively be enforced by a citation or accusation returnable to the magistrate court of the county pursuant to section 1-12 of the County Code or by any other legal means as set forth in this article. Utilization of a citation to Magistrate Court shall be in lieu of the imposition of an administrative penalty placed upon the water bill. However, in the event that a Magistrate Court hearing results in a finding of guilty, said finding of guilt shall count against the customer for purposes of assessing cumulative fines during any 24-month period.

Effective Date and Repealer Provision

This Ordinance shall become effective immediately upon adoption by the Forsyth County Board of Commissioners. Any and all existing or pre-existing provisions in conflict with this amendment are hereby repealed.

Adopted this ____ day of _____ 2008.

Mr. Charles Laughinghouse, Chairman

Mr. David Richard, Vice Chairman

Mr. Jim Harrell, Secretary

Dr. Linda K. Ledbetter, Member

Mr. Brian Tam, Member

Attest:

County Clerk