

AN ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 25, WATER, SEWERS AND SEWAGE DISPOSAL,
PERTAINING TO ILLEGAL USE OF WATER REGULATIONS, AND FOR OTHER
PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the county's public health, safety, and general welfare;

WHEREAS, the Governing Authority of DeKalb County is authorized to adopt ordinances or regulations for the governing and policing of the county and for the purposes of protecting and preserving the health, safety, and general welfare of the citizens of the county;

WHEREAS, there has been an increase in illegal water connections and the theft of water from the county's water supply, and this ordinance provides the county with authority to penalize those who obtain water illegally from the county system; and

WHEREAS, the Governing Authority has determined that these regulations will help reduce illegal water connections and theft of water from the county's water supply.

NOW, THEREFORE, be it ordained by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 25 of the Code of DeKalb County be and the same is hereby amended as follows:

PART I. ENACTMENT

By deleting Sections 25-36 and 25-38 and enacting new Sections 25-36 and 25-38 to read as follows:

Sec. 25-36. Reserved.

Sec. 25-38. Reserved.

* * *

By amending Section 25-50 and enacting a new Division 1.5, Sections 25-50 through 25-50.14 to read as follows:

Division 1.5. Illegal Use of Water Regulations

Sec. 25-50. Title.

Section 25-50 through Section 25-50.14 shall be known as the Illegal Use of Water Regulations of DeKalb County, Georgia.

Sec. 25-50.1. Definitions.

For the purposes of this division, certain terms and words are hereby defined. Where words are not herein defined, but are defined in section 1-2 or elsewhere in Chapter 25 of this Code, those words shall have the meaning as defined therein.

Commercial establishment means any hotel, motel, apartment, multi-family dwelling, rooming house, restaurant, business, industrial, public or semipublic establishment of any nature or kind whatsoever but does not include a single family dwelling or a condominium.

Sec. 25-50.2 Illegal use of water.

It shall be unlawful for any person to obtain water from the county's water system with the intent to avoid payment for said water.

Sec. 25-50.3 Fraudulent representation for use of water.

It shall be unlawful to make a false representation on the county application for water service to any premises, or to use water in or upon any premises for purposes not set forth in the application.

Sec. 25-50.4 Unauthorized connections prohibited.

No person shall connect to, tap on, or discharge water from any water line or water main belonging to the county without first obtaining the written permission of the chief executive officer or his/her designee to do so and without first paying the required deposit, tap fee, and/or connection charge.

Sec. 25-50.5 Unauthorized reconnection prohibited.

No person shall reconnect or turn on any water connection where the water connection has been disconnected by the county for nonpayment of water bills, or for other purposes.

Sec. 25-50.6 Damage of any appurtenances to water supply system prohibited.

No person shall damage, destroy, deface, impair the function of, or otherwise vandalize any portion of the county water supply system.

Sec. 25-50.7 Meter tampering prohibited.

No person shall break, alter, change the reading of, or tamper with the mechanism of any water meter of the county.

Sec. 25-50.8 Bypassing meter prohibited.

No person shall attach any pipe, device or mechanism of any kind or type to any county water line, pipe, meter, or main in such a manner as to cause any water to flow through, by or around any county water meter without the meter properly measuring and recording the quantity thereof.

Sec. 25-50.9 Permission required to use unmetered water.

No person shall attach any pipe, device or other mechanism of any kind or type to any county water line, pipe or main where a water meter has not been installed and the water taken does not flow through a water meter without first obtaining written permission from the chief executive officer or his/her designee.

Sec. 25-50.10 Fire hydrants.

- (a) No person shall attach a hose, pipe or other mechanism to a county fire hydrant or open a fire hydrant without first obtaining written permission from the director of the department of watershed management or the county fire chief, except in case of a fire.
- (b) No person shall be allowed to use water from any fire hydrant connected to the county water system, except by special permit from the director of the department of watershed management or the county fire chief, except in case of fire.
 - (1) *Schedule of charges.* In cases where a special permit is issued, the department of watershed management shall install a hydrant meter with a backflow preventer. The quantity of water used shall be charged to the customer at the prevailing rates in effect at the time of usage of water.
 - (2) *Deposits required.* A deposit, as established from time to time by the board of commissioners, shall be required with each application for installation of a hydrant meter. Part of the deposit may be credited against the water charge for the hydrant usage when the meter is removed. If the meter is damaged prior to removal by the county, the deposit shall be forfeited and retained by the county.

- (3) *Backflow prevention.* Proper backflow prevention measures shall be used in the manner required by the county cross connection control survey team.

Sec. 25-50.11 Unauthorized possession of a fire hydrant meter

It shall be unlawful for any person to have in his/her possession any unauthorized fire hydrant meter. Fire hydrant meters shall be installed by the department of watershed management after the requesting party completes an application and pays applicable fees. The hydrant meter shall be installed as close as possible to the requested location.

Sec. 25-50.12 Unauthorized operation of valves or other water system control or regulating devices.

No person shall operate or change the adjustment of any water system valve, pressure regulating device, or other water system control device without first obtaining written approval from the director of the department of watershed management or his/her designee.

Sec. 25-50.13 Water to be cut off in case of violation.

If any person, either as owner or tenant, shall violate or permit other persons to violate any provision of this division, the supply of water to the premises shall be shut off and service discontinued forthwith. The water shall not again be turned on until such unauthorized use of water is stopped and there shall have been paid to the county such charges as the finance director or his/her designee may determine to be due for water used in violation of this division and for the expense of discontinuing and restoring water service.

Sec. 25-50.14 Criminal Penalties.

- (a) Any person who does anything prohibited or fails to do anything required by these illegal use of water regulations, upon citation and conviction of the violation in a court of competent jurisdiction, shall be subject to the penalties in accordance with section 1-10. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (b) Upon a second and subsequent conviction within a twelve (12) month period measured from the date of the first conviction of any violation of these regulations, the court shall impose a fine of not less than five hundred (500.00) dollars in addition to any other penalty or punishment imposed by the court.
- (c) Upon a third and subsequent conviction within a twelve (12) month period measured from the date of the first conviction of any violation of these regulations, the court shall impose a fine of not less than one thousand (1000.00) and impose a minimum jail sentence of twenty-four (24) hours in the DeKalb County Jail.
- (d) The penalties provided in this section are not cumulative and shall not prohibit DeKalb County from pursuing any other civil or criminal remedies authorized by this code, state,

or federal law. No provision of this division shall prevent DeKalb County from prosecuting the crime of theft of services to the fullest extent allowed by Georgia law.

Secs. 25-51 through 25-60. Reserved.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

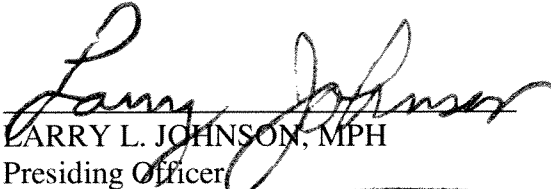
PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.


(SIGNATURES ON FOLLOWING PAGE)

April 5, 2010

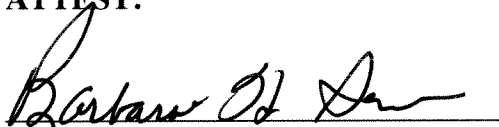
ADOPTED by the DeKalb County Board of Commissioners, this 22nd day of June, 2010.


LARRY L. JOHNSON, MPH
Presiding Officer
Board of Commissioners
DeKalb County, Georgia


APPROVED by the Chief Executive Officer of DeKalb County, this 24th day of June, 2010.


W. BURRELL ELLIS, JR.
Chief Executive Officer
DeKalb County, Georgia


ATTEST:


BARBARA H. SANDERS, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:


DR. FRANCIS T. KUNG'U
Director of Watershed Management
DeKalb County, Georgia

APPROVED AS TO FORM:


LISA E. CHANG
County Attorney
DeKalb County, Georgia