

FIRST READING September 12, 2005

SECOND READING October 3, 2005

PUBLICATION DATES: August 31, 2005

September 7, 21, 28, 2005

## **ORDINANCE**

### **AN ORDINANCE TO PROVIDE FOR REGULATIONS THE ACCEPTANCE OF ROAD, WATER, SEWER, AND STORM WATER MANAGEMENT SYSTEMS BY THE CITY OF DAWSONVILLE**

**WHEREAS**, the City of Dawsonville is concerned about the quality of road, water, sewer, and storm water management systems being dedicated to the City by private developers;

**WHEREAS**, the City of Dawsonville has determined that in order to insure the high quality of road, water, sewer, and storm water management systems, that it is necessary to enact certain regulations to govern the dedication of said systems;

**AND WHEREAS**, the City of Dawsonville desires to amend its current Development Code to provide for the procedures to govern the dedication of road, water, sewer, and storm water management systems to the City by a private developer.

**NOW THEREFORE**, THE COUNCIL OF THE CITY OF DAWSONVILLE, GEORGIA HEREBY ORDAINS, AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME THE FOLLOWING:

## **SECTION 1: INTRODUCTION AND INCORPORATION OF PREVIOUS ORDINANCE**

The Development Code of the City of Dawsonville, originally dated June 21, 2004 along with the Amendments thereto, are incorporated in their entirety by reference herein. Notwithstanding the above, it is agreed that said Ordinance shall be amended to include the provisions as set forth herein and shall hereinafter be included as a part of the Development Code of the City of Dawsonville, previously enacted on or about June 21, 2004, as follows:

## **SECTION 2: AN AMENDMENT TO THE DEVELOPMENT CODE TO PROVIDE THE PROCEDURES FOR DEDICATION OF ROAD, WATER, SEWER, AND STORM WATER MANAGEMENT SYSTEMS**

There shall be a new section added to the Development Code of the City of Dawsonville, which shall be Section No. \_\_\_\_\_, and Section No. \_\_\_\_\_ shall read as follows

### 1) Definitions

- a) Date of Tender: the date upon which the developer tenders the systems for dedication to the City of Dawsonville.
- b) Deficiency: any failure of a system to comply with the Development Code.
- c) Development Code: the development code of the City of Dawsonville, latest edition.
- d) Systems: any road, water, sewer, or storm water management system which a developer tenders for dedication to the City of Dawsonville.

2) Prior to the acceptance of any road, water, sewer, or storm water management system (hereinafter referred to as "systems") by the City of Dawsonville, the following regulations must be complied with by the developer of said systems:

- a) At ninety percent (90%) build-out of the development under construction, the developer shall tender a dedication of all systems to the City of Dawsonville. The City of Dawsonville shall not accept the dedication of said systems until fifteen months after the date of tender by the developer.
- b) At ninety percent (90%) build-out of the development under construction, the developer shall post a maintenance bond equal to ten percent (10%) of the value of the systems. The value of the systems as referred to in this subparagraph shall be the total cost of construction of said systems, including both materials and labor, as required to comply with the Development Code.
- c) During the time between the date of tender by the developer and the acceptance of the dedication by the City of Dawsonville, the developer shall have the responsibility to maintain and repair the systems, and shall maintain and repair the systems so as to comply with the Development Code. In any event, the developer shall maintain and repair the systems so as to comply with the requests of the Director of Development of the City of Dawsonville.
- d) Between the fiftieth (50<sup>th</sup>) and fifty-second (52<sup>nd</sup>) week after the date of tender, the City of Dawsonville shall inspect the systems to ensure compliance with the Development Code.
- e) To the extent that said inspections reveal any deficiencies in the systems tendered by the developer, the developer shall have until the fifteenth month after the date of tender to cure the deficiencies. If the deficiencies are not cured by the developer, the City of Dawsonville shall have the right to call the maintenance bond and repair the facilities prior to the acceptance of dedication.
- f) Should the maintenance bond prove to be insufficient to bring the systems up to compliance with the Development Code, or should it be determined that the

systems cannot, for whatever reason, be expected to comply with the Development Code, the City of Dawsonville is not obligated to accept a dedication of systems by a developer.

- g) The City of Dawsonville shall have the right to accept any or all of the systems tendered by the developer with or without the other systems so tendered being accepted. By way of example, after tender of road, water, sewer and storm water management systems by a developer, the City of Dawsonville may, in its discretion, elect to accept only one of the systems, a combination of the systems, all of the systems, or none of the systems.

### **SECTION 3: REPEAL OF CONFLICTING ORDINANCES**

All parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but, it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Dawsonville.

### **SECTION 4: SEVERABILITY**

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. **IT IS HEREBY DECLARED** to be the intent of the City Council of the City of Dawsonville to provide for separate indivisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

### **SECTION 5: EFFECTIVE DATE**

This Ordinance shall take effect on the 3<sup>rd</sup> day of October, 2005.

**BE IT ORDAINED** by the Mayor and Members of Dawsonville, Georgia City Council this 3<sup>rd</sup> day of October, 2005.

**DAWSONVILLE CITY COUNCIL**

By: \_\_\_\_\_  
Joe Lane Cox, Mayor

\_\_\_\_\_  
Jonathan Cox, Council Member

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Mike Sosebee, Council Member

ATTESTED TO BY:

\_\_\_\_\_  
Kim Cornelison, City Clerk

\_\_\_\_\_  
Mike Wilson, Council Member

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Tim Wimpey, Council Member