

Subject Matter: Amend Section 14-30
Date of First Reading: 09/03/2026
Date of Second Reading: 09/21/2026
Date of Adoption: _____
Effective Date: _____

ORDINANCE NO. 03-2026

AN ORDINANCE TO AMEND SECTION 14-30 OF THE CODE OF ORDINANCES OF THE CITY OF DAWSONVILLE, GEORGIA, TO ELIMINATE PENALTY MULTIPLIERS AND REPEAT OFFENDER FEES ON HIGH STRENGTH WASTE WATER DISCHARGES TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, pursuant to Article IX, Section II, Paragraph II of the Constitution of the State of Georgia and Chapter 35 of Title 36 of the Official Code of Georgia, the City Council of Dawsonville is empowered to adopt reasonable ordinances for local government upon matters not governed by general law and which are not inconsistent with the Constitution of the State of Georgia or the Charter of the City of Dawsonville;

WHEREAS, the City of Dawsonville previously enacted Section 14-30 of the Code of Ordinances establishing penalties for violations of city ordinances;

WHEREAS, the City of Dawsonville desires to simplify the penalty structure by eliminating all penalty multipliers and repeat offender fees previously imposed on high strength wastewater discharges under Section 14-30; and

AND WHEREAS, the City of Dawsonville desires to establish a uniform penalty framework that does not impose enhanced penalties based on the number of prior violations for high strength waste water discharges;

NOW THEREFORE, the governing body of the City of Dawsonville, Georgia, does hereby amend Section 14-30 of its Code of Ordinances as follows:

SECTION I: ELIMINATION OF PENALTY MULTIPLIERS AND REPEAT OFFENDER FEES.

Chapter 14 Utilities, Article II. Water and Sewer Service, Division 1. Generally, Section 14-30 of the Dawsonville Code of Ordinances is hereby amended by striking Section 14-30 in its entirety and inserting in lieu thereof a new Section 14-30, as follows:

Sec. 14-30. – Penalties for Violation.

(a) Any person or user found to be violating any provision of this article related to non-payment of bills shall as a penalty prior to any further provision of water, sewer and/or garbage services pay all outstanding bills in full including the reconnection fees set forth in chapter 2, section 2-110, late fees prescribed in chapter 14, section 14-25(a)(1), and applicable interest charges pursuant to chapter 14, section 14-25(a)(3).

(b) Any person or user found to be violating any provision of this article, other than for non-payment of bills or wrongful discharge as set forth in subsection (c) below, shall be issued a citation returnable to the city court for the city and upon conviction be punished as provided for under city ordinances and state law. Each day in which any such violation continues shall be deemed a separate offense.

(c) Any industry, commercial concern, person, or user who discharges any waste material from any source into manholes on the city's sewer system or who discharges or causes to be discharged toxic substances without paying for the increased cost as described in section 14-78, or those incompatible substances as described in sections 14-79, 14-80 and 14-81, shall be in violation of this article and subject to the maximum penalties allowed by state law and city ordinance. Each pound or gallon of the incompatible substances discharged or caused to be discharged into the city sewer system shall be deemed a separate offense with each offense subject to the maximum penalty allowed by state law and city ordinance. Jurisdiction for prosecution of a violation under this subsection shall lie in the City Court of Dawsonville or in the Superior Court of Dawson County at the choice of the city. Further, the city, in its discretion, may decline to accept the discharge of and disconnect sewer service to any industry, commercial concern, person, or user who discharges or causes to be discharged any incompatible substance or who violates any provision of article II. Sewer service may only be resumed upon payment of all outstanding fees, fines and interest by the violator and demonstration by the violator to the city's satisfaction that the violator has the ability to prohibit the discharge of incompatible substances into the sewer system and otherwise comply with all provisions of article II. In order to enforce article II and protect its sewer system, the city shall have the right to enter upon the private property of such violator and cut off access to the sewer system of the city.

(d) For the second offense in any 12-month period, a repeat offender fee equal to 25 percent of the penalty shall be added, with a fee equal to 50 percent of the penalty for the third offense, 75 percent of the penalty for the fourth and the fee shall be doubled (100 percent) for the fifth and any subsequent offense during any 12-month period. The foregoing notwithstanding, no fees shall be assessed in excess of that allowed by state law to the extent addressed by state law.

SECTION II: INCORPORATION AND REPEALER

Except as modified herein, the remainder of the Code of Ordinances of the City of Dawsonville is affirmed and incorporated herein. All laws and parts of law in conflict with this enactment are hereby repealed.

SECTION III: ORDINANCE VALIDITY

If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions 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 as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

SECTION IV: EFFECTIVE DATE

This ordinance shall be effective the day following its passage by the City Council of Dawsonville.

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this ____ day of _____, 2026.

MAYOR AND DAWSONVILLE CITY COUNCIL

By:

John Walden, Mayor

Caleb Phillips, Council Member Post 1

William Illg, Council Member Post 2

Sandy Sawyer, Council Member Post 3

Mark French, Council Member Post 4

ATTESTED TO BY:

Beverly A. Banister, City Clerk