

ARTICLE III
WATER, SEWER, AND GARBAGE SERVICE

SECTION 111-55. Water and Sewer Service Area.

The City of Cumming Water and Sewer Service Area shall be established by the Mayor and Council. The rules and regulations established by the City shall be enforceable to all portions of the Water and Sewer Service Area. No properties within the Water and Sewer Service Area shall be served by any other municipality or government entity, county government, or private water and/or sewer entity.

SECTION 111-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Increasing Block or Tiered Rate Structure means a water rate structure that increases as water usage increases. The City's tiered water rate structure consists of three tiers as defined by the Metropolitan North Georgia Water Planning District Water Supply and Water Conservation Management Plan. The City's tiered water rate structure applies to residential customers and to all irrigation water meters, both residential and commercial.

Uniform Rate Structure means a water or sewer rate structure that neither increases nor decreases with increased water or sewer usage. Under this rate structure, the City will charge a uniform rate for every gallon of water or sewer purchased by a customer. The City's uniform water rate structure applies to commercial customers while the City's uniform sewer rate structure applies to both residential and commercial customers.

Wholesale Water User's Agreement means an agreement entered into by the Mayor and Council with a customer who uses a large volume of water that provides the customer with a wholesale water rate. This agreement may define a minimum annual water volume to be purchased by the customer and the methodology to be used by the City to raise the rate during the term of the contract such as but not limited to the Consumer Price Index (CPI-U) for the Atlanta region or the Municipal Cost Index (MCI) as published in the American City and County Magazine.

SECTION 111-57. Rate Schedule.

(a) The water, sewer, and garbage rate schedule for the City is as set forth in Section 12-111 and may be changed without notice by the Mayor and Council.

(b) The rate schedule contemplates a single user, such as a one-family dwelling or a single business or commercial unit. Each individual residential or commercial unit shall be metered. For example, an apartment complex or a commercial strip-mall with 7 individual

units shall have 7 individual water meters. In cases where the City deems that individual meters for each unit are not feasible, a master meter may be permitted and each individual unit shall be sub-metered by the owner. In addition, each individual residential or commercial unit within a complex shall be charged a minimum monthly water, sewer, and garbage fee plus additional charges per 1000 gallons of usage above established minimums.

(c) Residential water rates shall be based on an increasing block or tiered rate structure. Commercial water and sewer and residential sewer rates shall be based on a uniform rate structure. Both residential and commercial irrigation water rates shall be based on an increasing block or tiered rate structure.

(d) A surcharge as stated in Section 12-111 will be levied on all sewer users discharging pollutants into the City's sewer system if these pollutants have a concentration greater than those listed in the Article V of the Cumming Utilities Ordinance regarding sewer use. Surcharges are established by the City and are charged per pound of each pollutant that is discharged into the City's sewer system above established "normal wastewater" levels. The City levies fines against those sewer users who violate the established maximum allowable concentrations of these pollutants.

SECTION 111-58. Application for Water, Sewer, and Garbage Service.

(a) Each customer shall make application for water, sewer, and garbage service, in person at the Department of Utilities at City Hall or via the telephone with a Department of Utilities customer representative.

(b) A cash security deposit for water service as stated in Section 12-111 shall be charged to both commercial and residential customers. The City's residential security deposit shall be a flat rate while the City's commercial security deposit shall be based on two-months of average annual water usage. No commercial security deposit shall be less than the established residential security deposit which shall be considered the minimum.

(c) The customer shall complete an approved service application form and submit the completed form to the city.

(d) If a customer fails to pay a utility bill in a timely manner and if, as a result, the customer's service is disconnected by the City, the Director may require that the customer make a cash security deposit equaling two months of the customer's estimated utility bill before the customer's service will be restored.

SECTION 111-59. Charges For Initial Water and Sewer Connections.

(a) *Water Connections:* Each single-unit residential unit subscribing to use water service shall pay a water meter fee as stated in Section 12-111. Each multi-unit residential unit, who has been given permission by the Department of Utilities to utilize a master meter, and each commercial customer subscribing to use water service shall pay a water capacity fee as stated in Section 12-111, plus the cost of the master meter components and installation.

Once a water meter is assigned to a specific piece of property, the meter runs with the property and must be transferred with the property to any subsequent purchaser.

(b) *Sewer Connections*: Each customer subscribing to use sewer service shall pay a sewer capacity fee as stated in Section 12-111 plus the cost of connecting to the sewer system. For single-family and multifamily residential, the fee shall be per residential unit; for commercial, the fee shall be per gallon of estimated monthly water usage, and for industrial including hospitals, the fee shall be per gallon per day of maximum daily water usage. The minimum usage per residential, commercial, or industrial unit shall not be considered less than 250 gallons per day. As set forth in the Sewer Capacity Purchase Agreement, once sewer capacity is assigned to a specific piece of property, the capacity runs with the property and must be transferred with the property to any subsequent purchaser. Sewer capacity can not at any time be transferred from one parcel of land to another parcel of land. The City reserves the right to deny a request for sewer capacity based on the availability of the capacity in the treatment facilities and the sewage conveyance system.

- (1) *Sewer Capacity Purchase Agreement*. The Sewer Capacity Purchase Agreement is an Agreement that describes the name of the property owner requesting sewer capacity, the quantity of capacity in gallons per day sold by the City to the property owner, the cost of the capacity, and the land to which the sewer capacity is assigned. The Agreement must be accompanied by a legal description of the property for which the sewer capacity is to be purchased and a perimeter survey of the property.
- (2) *Sewer Capacity Assignment Document*. The Sewer Capacity Assignment document is an agreement that describes the name of the sewer capacity/property owner, the quantity of capacity originally purchased from the City, the quantity of capacity available to the property owner for assignment, and the quantity of capacity to be used or assigned (in essence subdivided with the land). The Sewer Capacity Assignment must be accompanied by a legal description of the property to which the sewer capacity is to be assigned and a perimeter survey of the property.
- (3) *Sewer Capacity Repurchase Agreement*. The sewer capacity repurchase agreement is an agreement used by the City to repurchase sewer capacity from a sewer capacity/property owner who purchases more capacity than was needed for development of the subject parcel of real property. Once capacity has been assigned to a parcel of property and that parcel has been fully developed, a repurchase of sewer capacity will be denied. However, if the parcel remains less than fully developed due to economic conditions, zoning constraints, or if the quantity of subparcels/lots is reduced from the original City approved site plan to a new City approved site plan, the City may consider a repurchase or a partial repurchase upon application by the property owner on a form provided by the City Utilities Department. The City will determine whether or not the sewer capacity/property owner is eligible for repurchase and the amount of capacity subject to repurchase based upon the following factors: the need for sewer capacity for the subject

parcel based upon anticipated present and future use, engineering factors, the Sewer Master Plan, best management practices (including, but not limited to the existing sewage conveyance system and Waste Water Treatment Plant capacity), whether the proposed repurchase will be followed by a resale of sewer capacity in the City service area to the same or a related entity and any other factors that are reasonably related to the sewer system in making its decision to grant or deny the repurchase. If the City makes the decision to repurchase any sewer capacity, the repurchase will be at no more than the original sales price paid to the City by sewer capacity/property owner or its predecessor(s) in title less administrative costs of \$500.00 and title search fees of \$300.00 or such other amounts as may be set by the Council by resolution from time to time. All repurchase decisions shall require the written approval of the Mayor, City Administrator and the Utilities Director.

SECTION 111-60. Maximum Service Height Elevations.

(a) Individuals requesting water service at elevations in excess of 1,280 feet MSL shall be responsible for designing and constructing pumping systems and water storage facilities for their development that meets fire flow requirements for all system conditions and the as per city requirements.

(b) The design, construction, and maintenance costs of such pumping systems and water storage facilities will be the responsibility of the developer, home owner's association, and shall not be the responsibility of the city.

SECTION 111-61. Minimum Monthly Charges.

The minimum monthly charge, as provided in Section 12-111, shall be made for such connection or service subscribed for. Water, sewer, or garbage service furnished for a given lot shall be used on that lot only, and except for fire protection, the City shall not under any condition furnish water, sewer, or garbage services free of charge to anyone. Each individual residential or commercial unit shall be metered. Un-metered water taken without permission from the City shall be considered theft of services and punishable under applicable law.

SECTION 111-62. City's Responsibility and Liability.

(a) The City shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served.

(b) The City may make connections to service other properties not adjacent to its lines upon payment of reasonable costs for the extension of its distribution lines as may be required to render such service.

(c) The City may install its meter at or near the property line or, at the City's option, on the customer's property within three feet of the property line.

(d) The City reserves the right to refuse service unless the customer's lines or piping are installed in such a manner as to prevent cross connections or backflow.

(e) Under normal conditions the customer will be notified of any anticipated interruptions of service by the City.

SECTION 111-63. Customer's Responsibility and Liability.

(a) Water furnished by the City shall be used for consumption by the customer, members of his household, household guests, and employees only. The customer shall not sell water to any other person or permit any other person to use their water. Water shall not be used for irrigation, fire protection or other purposes except when water is available in sufficient quantity without interfering with the regular domestic consumption in the service area. Disregard for this rule shall be sufficient cause for refusal and/or discontinuance of service.

(b) The Mayor and Council shall establish outdoor watering bans and watering schedules at times and intervals they deem necessary in order to protect the public water supply or to encourage water conservation practices. Failure to comply with watering bans or watering schedules and times shall constitute a violation of this section and is punishable by fines of up to \$1,000.00 per day per offense or loss of water and sewer service.

(c) Where a meter or meter box is placed on the premises of a customer, a suitable place shall be provided by the customer that is unobstructed and accessible at all times to duly authorized agents of the City.

(d) The customer shall furnish and maintain a private cutoff valve on the customer's side of the meter.

(e) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense, in a safe and efficient manner, and in accordance with the sanitary regulations of the state health department. All water leaks on the customer's side of the meter are the responsibility of the customer.

(f) In order to be received as a customer and entitled to receive water from the City's water system, all applicants must offer proof that any private wells located on their property are not physically connected to the lines of the City's water system; and all applicants, by becoming customers of the City, covenant and agree that so long as they continue to be customers of the City they will not permit the connection of any private wells on their property to the City's water system.

(g) All disposal of septic tank waste by septic tank contractors in the City sewer system is absolutely prohibited, except as provided for in section 111-132. Anyone who violates this

provision may be fined a maximum of \$1,000.00 for each occurrence, as determined by the City council.

(h) All sewer use is governed by Article V of this chapter.

SECTION 111-64. Access to Premises and Extensions of System.

- (a) Duly authorized agents of the City shall have access at all hours to the premises of the customer for the purpose of installing or removing City property, inspecting piping, reading and testing meters, or for any other purpose in connection with water service and its facilities, and sewer service and its facilities.
- (b) Extensions to the system shall be made only when the customer shall grant or convey, or shall cause to be granted or conveyed, to the City an easement of right-of-way across any property traversed by the water and sewer lines.

SECTION 111-65. Change of Occupancy and Other Customer Service Provisions.

- (a) Termination of Service: The customer shall alert the City of the customer's intent to terminate service by submitting a Service Termination form to the City via facsimile, email, or in person at City Hall along with a copy of an acceptable form of picture identification. The outgoing party shall be responsible for all water consumed, sewer used, and garbage service utilized up to the time of departure or the time specified for departure, whichever period is longer.
- (b) Establishing Service: A new occupant shall apply for water service immediately upon occupying the premises. Failure to do so will make the new occupant liable for paying for the water consumed since the last meter reading. The City shall not be held liable for damage incurred by turning a water meter on to a residence or commercial unit. The owner shall be responsible for ensuring that all fixtures are in the "off" position before requesting that a water meter be turned on. Each customer shall complete and submit to the city, either a Residential or Commercial Water Service form, a copy of an acceptable form of picture identification, and proof of ownership of the premise (deed) or a lease or rental agreement. A deposit must be submitted to the city in the amount established in Section 12-111.
- (c) Suspension of Service: A customer's service can be suspended by the customer upon the customer submitting a completed Service Suspension or "Snowbird" Status Form to the Department of Utilities. During the time the account is suspended, the water meter will be turned off and locked and the customer will not receive a bill. The customer should contact the city to restore service.
- (d) Change of address: a customer's mailing address may be changed by submitted a change of address form along with an acceptable form of picture identification.

- (e) Auto-draft of Bank Accounts: The city provides auto-draft services to customers upon request. An Automatic Payment Authorization form must be completed and submitted to the city along with an acceptable form of picture identification.

SECTION 111-66. Meter Reading; Billings; Collecting.

(a) Bills to customers for water, sewer, and garbage service shall be mailed out on such day of each month as may be determined as desirable by the City. Bills shall be paid to the Department of Utilities at City Hall. Failure on the customer's part to receive bills or notices shall not prevent such bills from becoming delinquent nor relieve the customer from payment of the bill. The failure of water, sewer, and garbage users to pay charges duly imposed shall result in the automatic imposition of the following penalties:

- (1) Failure to pay a bill before or by the due date will subject the customer's account to a late charge established by the City in Section 12-111.
- (2) Once a bill becomes delinquent and is 60 days or more past due, water service to the customer's premise will be shut off. Balances over the maximum allowed in Section 12-111 on delinquent accounts will result in loss of water service until the balance is paid in full and a reconnection fee is paid.
- (3) Nonpayment for 60 days after original due date will allow the City, in addition to all other rights and remedies, to terminate agreement; and if so, the water user shall not be entitled to receive, nor the City obligated to supply, any water under this agreement.
- (4) A returned check fee shall be added to the customer's account as established in Section 12-111.
- (5) An internet service charge fee shall be added to those payments received via the City's on-line payment system.
- (6) A credit card usage charge shall be added to all credit card payments.
- (7) An automatic draft charge shall be added to all automatic credit card and automatic checking account drafts.

(b) Service disconnected for nonpayment of bills will be restored only after bills are paid in full, such security deposit as may be required by the mayor and council is made, and a reconnection fee as stated in Section 12-111 is paid for each meter reconnected.

SECTION 111-67. Discontinuance of Service.

(a) When a customer who is renting or leasing property vacates the premises and has paid a security deposit, and once water, sewer, and garbage service is discontinued and all

bills paid in full, the security deposit shall be refunded to the customer by the City. Typically, the deposit is applied to the final bill before a refund is made to the customer.

(b) Upon discontinuance of service for nonpayment of bills, the security deposit will be applied by the City toward settlement of the account. Any balance will be refunded to the customer; however, if the security deposit is insufficient to cover the bill, the City shall proceed to collect the balance in the usual way provided by law for collection of debts.

(c) The City reserves a right to discontinue its service without notice for the following additional reasons:

- (1) For failure to pay a water, sewer, or garbage bill.
- (2) For failure to comply with pretreatment requirements, standards, or permits or an Order from the Director.
- (3) For failure to properly install and maintain a grease interceptor as per City regulations.
- (4) To prevent fraud or abuse.
- (5) For customer's willful disregard of the City's rules and regulations including but not limited to watering bans, sewer discharge limitations, and maintenance requirements.
- (6) Emergency repairs.
- (7) Insufficiency of water supply due to circumstances beyond the City's control.
- (8) Legal processes.
- (9) Direction of public authorities.
- (10) Strike, riot, fire, flood, unavoidable accident.

SECTION 111-68. Complaints; Adjustments.

(a) If the customer believes his bill to be in error, he shall present his claim, in person or via the telephone, to the Department of Utilities at City Hall before the bill becomes delinquent. Such claims, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service. The customer may pay such bill under protest, and the payment shall not prejudice his claim.

(b) The City will make a special water meter reading at the request of a customer for a fee as provided in section 12-111; however, if such special reading discloses that the meter was over read, no fee will be charged.

(c) Water meters will be tested at the request of the customer upon payment to the City of the actual costs of making the test; however, if the meter is found to over-register beyond three percent of the correct volume, no charge will be made.

(d) If the meter fails to register correctly or is stopped for any cause, the customer shall pay an amount estimated from the record of his previous bills and/or from other proper data.

(e) A customer may request an adjustment to an unusually high water bill that has resulted from a leak. The customer must, at a minimum, provide a receipt for the repair work performed. Alternately, if the customer performs the work himself, the customer must provide receipts for parts and fixtures purchased to perform the required repair. In either case, the customer must show that the leak has been repaired before an adjustment can be given.

(f) Adjustments are limited to one adjustment per year and are given at the discretion of the city.

(g) Typically, an adjustment consists of forgiving on-half of the customer's water bill total that is above the customer's average monthly bill.

(h) The customer may appeal a decision made by the billing division regarding water leak adjustments to the Director of Utilities in writing.

SECTION 111-69. Prohibited Uses.

(a) Fraudulent Use. Evidence of the existence of a bypass, the bypassing of water around meters, or the unauthorized piping or selling of water, or any other use of un-metered water except for the fire extinguishing purposes shall be deemed fraudulent use.

(b) Tampering. All curb stop/curb shut-off valves, hydrants, meters, valves, or other property of the City shall not be opened, closed, or tampered with in any way by any person not authorized to do so by the City. Moving meters from lot to lot is strictly prohibited and punishable by fine or loss of water service. When the City determines that the serial number on the meter at a specific address does not match the serial number on the meter assigned to that address, the City will consider that the meter was stolen and will require the owner to purchase a new meter at the then current new meter cost. Stolen, damaged or moved meters will result in the owner being charged 100% of the cost of a new meter of the same size and type.

(c) Cross-Connections. No Cross Connection shall be permitted between the public water supply and any other water supply, or between the public water supply and any plumbing fixture, device, or appliance capable of contaminating the public water supply unless the connection is protected at the metering point by a Backflow prevention device as required by this article. The connection shall be approved by the Department of Utilities and shall satisfy the laws of the State of Georgia and applicable building and plumbing codes.

(d) Electrical Ground Wires. No ground wires from any source whatsoever shall be attached to any water pipe inside or outside the premises served that does not meet the requirements of the building code.

(e) Fees and Expenses.

(1) Tampering. Any damage to the Curb Stop/Curb Shut off valve, hydrants, meters, meter boxes, radio-read equipment, or other property of the City which the City determines is caused by tampering caused by the Customer, Customer's employees, contractors, or agents or other utilities shall be repaired by the City at the Customer's expense. Such tampering may result in the City charging the customer the full cost of a new meter. Tampering or threatening to tamper with any water or sewer facility or any appurtenance may be considered an act of terrorism which is punishable under applicable federal law.

(2) Fraudulent Use. Upon discovery by the Department of Utilities of fraudulent use by a Customer, the Customer shall be charged not less than double rates for such quantities of service as the City shall estimate to have been fraudulently used.

(3) Accidents. City property (hydrants, meters, manholes, valves, water lines, sewer lines, force mains, pumping stations, appurtenances, etc.) that is damaged by automobile accidents, construction accidents, or other types of accidents shall be repaired by the City at the perpetrator's expense.

(4) Water Meter Construction Damage. In the case of new construction, water meters that are damaged by construction activity shall be the sole responsibility of the purchaser of the water meter. If the water meter is damaged, the City will charge the purchaser 100% of the cost of a new meter at the then current rate.

(5) Stolen Water Meters. In the case of new construction sites, a stolen water meter shall be sole responsibility of the developer and not the City. If a water meter is stolen from a construction site, the developer shall be responsible for purchasing a new water meter at the then current City new water meter price. Water meters that are moved from one lot in a development to another lot within the development without written permission from the City will be considered a stolen meter and the owner shall be responsible for purchasing a new meter at the then current new meter price. This requirement shall not apply to an individual home owner.

SECTION 111-70. Theft of Services.

Taking water from the City of Cumming water system without prior written consent from the City constitutes theft of services and shall be punishable under applicable law.

SECTION 111-71. Hydrants.

(a) Prohibited Use. Public or private hydrants shall not be used for any purpose other than to extinguish fires or for such other purposes as may be authorized by the City. In no cases shall hydrants or any adaptor installed on a hydrant be operated by any person other than the City or its duly authorized agent.

(b) Permitted Use. Hydrant Permits may be issued by the City on a case-by case basis for such activities as road construction, filling swimming pools, dust control, and other activities permitted by the City. All water used by the permittee must flow through a City-issued hydrant meter with backflow prevention device and the permittee must pay the City for water used at the most current commercial water rates. A deposit on the City-issued hydrant meter will be required.

(c) Fire Flow Tests. The City requires that fire flow tests be performed by a licensed professional engineer prior to approval of a proposed development so that the City can determine what system improvements are needed to provide adequate fire flow for the development. Final plat fire flow tests are required prior to approval of the final plat so that the developer can certify that the development has adequate fire flow before a certificate of occupancy is issued. No combustible materials will be permitted on-site until system improvements are complete and fire flows are deemed to be adequate for the site.

SECTION 111-72. Construction Improvements and System Expansion.

(a) Minimum Requirements. All construction improvements and system expansion projects must meet the minimum requirements of the following City design manuals:

(1) All water system improvements must meet the requirements of the most current version of the *Manual of Technical Specifications and Construction Standard Details for the City of Cumming Water Distribution System* and must be reviewed by the Director of Utilities or his designee. In addition, certain larger system expansions and improvements may require review and approval of the City's contract engineer and Georgia EPD.

(2) All sewer system improvements must meet the requirements of the most current version of the *Manual of Technical Specifications and Construction Standard Details for the City of Cumming Wastewater Collection System* and the *Manual of Technical Specifications and Construction Standard Details for the City of Cumming Wastewater Pumping Stations* and must be reviewed by the Director of Utilities or his designee. In addition, certain larger system expansions and improvements may require review and approval of the City's contract engineer and Georgia EPD.

(3) When water lines are installed along road frontage, the City requires that such lines be installed along the road frontage from property line to property

line, just outside of the road right of way. When sewer lines are installed in a development within a given drainage basin or basins, the sewer line(s) must be installed so that sewer generated by properties higher in the basin can flow through property lower in the basin. This must be verified by the Director of Utilities and must be constructed according to the requirements of the city Water Master Plan and Sewer Master Plan.

(b) Detailed Plan Submission. Detailed plans for all proposed construction improvements and system expansion projects must be submitted to the Department of Utilities for review. Larger water mains and larger sewage collection system improvements shall be submitted to the City's contract engineer for review as per Georgia EPD requirements for Delegation of Authority for plan review. All water main sizes shall be approved by the City.

(c) Development. No development shall impact the quality, quantity, pressure, or flow of water available to existing users. If the City determines that a development will or has negatively impacted the water system, the owner of that development shall make such system improvements that adequate pressure and flow is restored to all users of the system. All proposed developments must demonstrate that they will meet the minimum fire flow requirements of the City while maintaining adequate pressures in all other segments of the system.

(d) Funding. Unless otherwise funded by the Mayor and Council, all water and sewer system improvements must be designed and constructed at no cost to the City and such system improvements must be dedicated to the City upon completion and acceptance by the Mayor and Council.

(e) Existing Developments. In cases where existing developments require connection to the City's water supply or require a larger water main with fire hydrants, the City may work on a case-by-case basis with the property owners on a payment plan.

(f) Connection Requirements. In general, no proposed or new development within the City's Water and Sewer Service Area shall be connected to a private well or septic system. All proposed developments shall connect to the public water and sewer system and shall make all necessary system improvements required to provide water and sewer service to the development at no cost to the City.

(1) Extreme Cases. In extreme cases, the City may determine that a proposed development or single family structure is too small to justify infrastructure improvement costs. In extreme cases, the City may permit the use of septic tanks and/or wells, but only for small developments and with the understanding that the development or single family unit will be connected to City water and sewer once facilities become available.

(2) City-Metered Water Required. No development or individual unit shall be connected to sanitary sewer unless the development or individual unit is also connected to the public water system with a viable City-approved water meter.

(g) Private Wastewater Systems. No development shall be connected to a private wastewater treatment facility other than those owned and operated by the City of Cumming. If a development refuses to connect to the City's sewage system and plans to connect to a private wastewater treatment facility, the City will not allow that development to connect to the public water system.

(h) Master Plans. All proposed developments within the City of Cumming Water and Sewer Service Area shall comply with the most current version of the City of Cumming Water and Sewer Master Plans.

(1) All owners of proposed developments shall design water and sewer infrastructure so that the components provide maximum benefit to the basin in which they are installed.

(2) In cases where sanitary sewer is not feasible, and to satisfy the requirements of the Georgia EPD and other regulatory agencies, dry sewer lines will be required in new developments so that the development can be easily converted to sanitary sewer once it becomes available in the basin.

(i) Adjoining Properties. All proposed developments must provide water and sewer easements to all adjoining properties at no cost to the City. In some cases, the City may require that a line or lines be installed in the easement up to the common property line with adjoining properties.

(j) Easements. Typical permanent water and sewer easements are twenty (20) feet wide and are dedicated to the City of Cumming. Typical temporary construction easements are an additional twenty (20) feet wide, usually configured ten (10) feet on either side of the twenty (20) ft permanent easement. All water and sewer easements must be conveyed to the City using City-approved easement documents. All easements that are proposed to be conveyed to the City must be accepted by the Mayor and Council.

(k) Minimum Pipe Sizes. The minimum allowable water main size with fire hydrants shall be 8-inches. The minimum allowable gravity sewer line size shall be 8-inches.

Section 111-73. Standards For Outdoor Watering of Landscape and Potable Water Waste

(1) Scope. This section shall apply to customers of the City of Cumming water or sewer service. Customer is defined as any person, association, corporation, or other entity receiving City of Cumming water or sewer service in the Service Area.

(2) Restriction on Outdoor Watering of Landscape. Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (a) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;
- (b) Capture and reuse of cooling system condensate or storm water in compliance with applicable City of Cumming ordinances and state guidelines;
- (c) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
- (d) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
- (e) Irrigation of personal food gardens;
- (f) Irrigation of new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
- (g) Drip irrigation or irrigation using soaker hoses;
- (h) Hand watering with a hose with automatic cutoff or handheld container;
- (i) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (j) Irrigation of horticultural crops held for sale, resale, or installation;
- (k) Irrigation of athletic fields, golf courses, or public turf grass recreational areas;
- (l) Installation, maintenance, or calibration of irrigation systems; or
- (m) Hydroseeding.

(3) *Prohibition on Potable Water Waste.* Other than as set forth in Subsection (4) below, the following uses are a waste or unreasonable use or method of use of potable water and are prohibited:

- (a) Intentionally allowing potable water to escape from any premises onto a public right-of-way such as streets and sidewalks, or upon any other person's property.
- (b) Operating an irrigation system or other lawn or landscaping watering device during any form of precipitation.
- (c) Operating an irrigation system or other lawn or landscaping watering device that has any broken or missing sprinkler heads.

- (d) Failing to repair a controllable leak, including a broken sprinkler head, or a leaking valve, or a leaking outdoor faucet, or a service line leak, or any other visible outside water leaks, on premises owned, leased, or managed by that person, within 30 days or sooner if deemed necessary by the Director.

(4) Exceptions on Potable Water Waste. The restrictions in subsection (3) do not apply to the following:

- (a) Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities;
- (b) Water applied as a dust control measure;
- (c) Water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology;
- (d) Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;
- (e) Flow resulting from routine inspection, operation, or maintenance of traffic flow control devices;
- (f) Water used for construction or maintenance activities where the application of water is appropriate methodology and where no other practical alternative exists;
- (g) Unintentional or de minimus overspray of an irrigation system or landscape watering devices whether hand held or a temporary or permanent sprinkler system.

(5) *Car Washes.*

- (a) *Definitions.* The following words and phrases, whenever used in this section, have the meaning defined in this section:

In-bay automatic car wash means a commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.

Conveyor car wash means a commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.

Recycled water system means a water system that captures and reuses water previously used in wash or rinse cycles.

Self-service car wash means a commercial car wash where the customers wash their cars themselves with spray wands and brushes.

- (b) All commercial conveyor car washes must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.
- (c) The provisions of sub-paragraph (b) above do not apply to self-service car washes or in-bay car washes.

(6) *Enforcement.*

- (a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in this article.
- (b) The City of Cumming Department of Utilities shall be the enforcement authority for this section. The Mayor may also authorize other departments as may be deemed necessary to support enforcement.
- (c) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation returnable to the City Court or by any other legal means as set forth by City Code.

SECTION 111-74—111-102. Reserved.