

**STATE OF GEORGIA
COUNTY OF GORDON
CITY OF CALHOUN**

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF PART II - CODE OF ORDINANCES, CHAPTER 94 - UTILITIES, ARTICLE IV. SEWERS AND SEWAGE DISPOSAL TO ADD DIVISION 4. - SANITARY SEWER LIFT STATIONS; TO REPEAL ALL CONFLICTING ORDINANCES, TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council for the City of Calhoun (hereinafter “the City”) seek to amend the municipal code of ordinances regarding regulations for the continued expansion and connection by real estate development to the existing municipal sanitary sewer by mechanical means in lieu of conventional gravity induced watercourse; and

WHEREAS, the Mayor and Council find that in order to accommodate real estate development connections and continuing system expansion to best ensure economic and community growth new sanitary sewer infrastructure will be required to serve newly annexed territories that may not be capable of service by the means of gravity watercourse to maintain the necessary watercourse from the customer to the City’s wastewater treatment facility; and

WHEREAS, the Mayor and Council find that the geographic and/or topographical conditions for continued land use development may dictate the use of lift stations to mechanically change elevations and force sanitary waste water into the existing municipal collection network; and

WHEREAS, the Mayor and Council find that regulations are necessary to encourage use of naturally occurring gravity induced watercourse rather than a mechanical force main is best for the existing residents and rate payers as the operative life span of sanitary a lift station is finite in nature, resulting in unwarranted increases in fiscal cost for operation, maintenance and replacement;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALHOUN HEREBY ORDAIN:

SECTION ONE: *PART II - CODE OF ORDINANCES, CHAPTER 94 - UTILITIES, ARTICLE IV. SEWERS AND SEWAGE DISPOSAL* to now add *DIVISION 4, - SANITARY SEWER LIFT STATIONS* in its entirety to read as follows:

“ **Sec. 94-250. Purpose and public policy.**

(a) Any connection or expansion to the existing public sanitary sewer shall serve a systemwide priority for a naturally generated gravity watercourse as this is the least expensive means to transport sewage from the point of delivery to the POTW as this watercourse is created without need of additional equipment, pumps, or energy at the City’s expense.

(b) Any connection or expansion to the public sanitary sewer system that shall employ a lift station for force watercourse shall be prohibited unless feasibly mandated by topographical or geological impediments and approved in writing by the City’s Water & Sewer Director.

(c) For the elimination of redundant or obsolete public lift stations, all real estate development shall be prohibited from using a force watercourse to provide public sanitary sewer service via connection to another lift station already generating a force watercourse. Such connections are to be permitted in writing by the Water & Sewer Director after the municipal engineer has determined that geography and/or topography prohibit the feasibility of only a gravity watercourse to carry sewage from the point of delivery to the POTW.

(d) Should any customer dispute the municipality’s feasibility determination in the denial of a lift station to generate a watercourse by force, the parties shall mutually select an independent, third party engineer to make an independent feasibility determination for gravity watercourse or approval of a lift station using the factors provided in Sec. 94-253. Should the parties be unable to mutually agree upon selection of an independent, third party engineer to conduct a joint feasibility study for the use of a gravity watercourse or force watercourse in the public sanitary sewer or service laterals.

Sec. 94-251. Definitions and interpretation of terms.

(a) Any word or phrase not defined below but otherwise defined in this chapter, elsewhere specifically within this municipal code, or any state statute or regulation, shall be given that meaning.

(b) All other words or phrases shall be given their common ordinary meaning unless the context clearly indicates otherwise.

(c) The definitions contained herein shall apply to this Division of the municipal code, specifically as follows:

(1) *Building drain.* That part of the piping of a building which collects sewage inside the walls of the building and conveys it to outside the building sewer through the service line to connection with the public sanitary sewer system at the point of delivery.

(2) *Building sewer.* The extension of pipe from the building drain to the customer's service line which at the point of delivery shall connect to the public sanitary sewer system, also referred commonly to as a "house connection." At this point, the service line or "lateral" becomes the City's responsibility as it continues from this point to the sanitary sewer trunk line.

(3) *City.* The City of Calhoun, a municipal corporation of the State of Georgia geographically located entirely within Gordon County, Georgia.

(4) *Customer.* Every person, firm, association, corporation, government agency, or similar organization who is responsible for contracting (expressly or implicitly) with the City in obtaining, having or using water or sewage connections with, or sewer taps to the City sewage system and in obtaining, having or using water or other related services furnished by the City for the purpose of disposing of sewage through said system. The term customer shall also include illicit users of the water or sewage systems.

(5) *Domestic sewage.* That sewage discharged into the sewage system from domestic sources such as toilets, washing machines, dishwashers, sinks, showers and bathtubs from normal household usage.

(6) *Equivalent dwelling units (EDU).* The method used to equate nondomestic sewage to domestic sewage.

(6) *Force watercourse.* An installation or construction that uses utility provided energy to power a mechanical generation of watercourse with a pump, impeller, fan, other mechanism, or combination thereof, to move raw sewage from the point of delivery to the POTW.

(7) *Gravity watercourse.* A main that uses gravity alone to naturally move raw sewage flow through the public sanitary sewer to the POTW.

(8) *Lift station.* A facility designed to move sanitary waste and sewage "up hill" against gravity by operation of pumps and pressurized pipe to mechanically force the flow velocities to overcome height barriers to reach the existing gravity flow main to the POTW. This combined ordinance shall

not apply to any lift station or similar mechanism that is employed by a customer as part of a real estate development's building drain or sewer up to the point of delivery, but shall control use of same in either the service lateral or public sanitary sewer.

(9) *Main.* The pipe, conduit or facility which conveys utility service to individual services or to other mains.

(10) *Manhole.* A precast concrete or mortared brick structure with an accessible opening at ground level that leads to an underground utility and allows a person to enter and perform ordinary maintenance.

(11) *Nondomestic user.* Any user of the city sewage system who discharges sewage into the sewage system from a structure other than a residential unit.

(12) *Nondomestic sewage.* The sewage generated from nondomestic users as distinct from domestic or sanitary wastes.

(13) *Point of delivery.* Where a customer's building drain and/or building sewer connect to the service lateral which ultimately connects to the City's public sanitary sewer to end at the POTW.

(14) *POTW.* The sewage treatment works as defined by 212 of the Act (33 U.S.C. 1292) owned, operated and maintained by the City. This shall include any main and or other sewer infrastructure that conveys sewage to the municipal treatment plant, but shall not include the pipes, sewers or other conveyances not connected to a facility providing treatment, the building drain or building sewer beyond the point of delivery for the customer's sewage. For the purposes of this ordinance, "POTW" shall also include any sewers that convey sewage to the POTW from persons outside the incorporated portions of Gordon County who are by and independent contract or agreement with the City, are permitted users of the POTW.

(15) *Private lift station.* A lift station that is

- (1) not owned by the City of Calhoun at either the initiation or completion of construction;
- (2) has not be deeded to the City, nor was it constructed or installed with the intent to voluntarily transfer fiscal responsibility for operation, maintenance and probable replacement by the City by dedication from

any real estate development;

- (3) is not part of either the service lateral or a main, and has been installed or constructed for use by the customer at any stage prior to the point of delivery to the public sanitary sewer; and
- (4) shall not include private on-site waste management systems permitted by the Gordon County Health Department.

(16) *Public lift station.* These lift stations shall include any and all sewage pumping systems that are or will be owned by Calhoun Utilities regardless of whether the municipality funded or constructed the infrastructure. This definition shall include any future dedications of any private construction or funded lift station installation by a private party to the City at any time prior to or after the conclusion of the effected real estate development.

(17) *Public sanitary sewer or City sewer.* The entire network of pipes and other infrastructure buried in the ground or otherwise fixed to a geographic location above the ground owned, operated, maintained and/or replaced by the City for the transportation of both Domestic and Nondomestic sewage using a form of watercourse from residences, commercial buildings, industrial plants, and institutions to the POTW.

(19) *Real estate development.* The following shall be included collectively under the singular term of real estate development for the purposes of this ordinance:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated In accordance with that, provided that:
 - (A) The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - (B) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- (C) The production or sewage generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.

In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (A) Begun, or caused to begin, as part of a continuous onsite construction program;
 - (B) Any placement, assembly, or installation of facilities or equipment;
 - (C) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (D) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(20) *Sanitary sewer.* A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(21) *Service lateral Service lateral.* The pipe between the utility's mains and the point of delivery and shall include all of the pipe, fittings and valves necessary to make the connection excluding the meter.

(22) *Sewage.* A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(23) *Sewer.* A pipe, series of pipes and/or other forms of conduit that is buried underground and carries sewage.

(24) *Surcharge.* A separate charge by the city for the handling and treatment of high strength sewage.

(25) *Wastewater system or city wastewater system.* The total sewage collection and disposal facilities owned and operated by the City, and including also the administrative framework which operates, maintains and repairs the municipal facilities.

(27) *Watercourse.* Means a natural or artificial channel for the passage of water either continuously or intermittently.

Sec. 94-252. Controls for sanitary lift station use if approved.

(a) All lift stations, regardless of status as "private" or "public" shall be required to pump directly into a manhole or a "clean out" located at the customer's point of delivery, and should any "tie in" of any lift station shall be made at an elevation of not less than one (1) foot above the top of the public sanitary system.

(b) Any attempt to connect a private lift station to the public sanitary sewer shall be prohibited unless authorized in writing by the City's Water and Sewer Director. Should the City be required to involuntarily assume ownership, operation, maintenance and possible replacement of a private lift station of any kind, then the watercourse capacity shall not be in excess of forty (40) gallons per minute.

(c) All lift stations necessary to generate a force watercourse to a service lateral or public sanitary sewer main shall be required to contain the following requirements in addition to all adopted building codes, state regulations and accepted industry standards:

- (1) Under conventional methods sewage is to be moved with a gravity watercourse in the public sanitary sewer to a centralized wet well adequately sized to buffer instantaneous peaks and prevent “short cycling” from any means of mechanical watercourse;
- (2) All sanitary sewer systems shall employ a grinder or chopper style pump to convey the sewage through an adequately sized pressurized force main to an approved discharge location within the City’s sanitary sewer system; and
- (3) All sanitary sewer systems required to employ an air vacuum and low-pressure systems that contain numerous pumps with common force mains are strictly prohibited from being located or constructed within the municipal boundaries by this ordinance.

Sec. 94-253. Application for use of lift station for sanitary sewer connecting to existing municipal system.

(a) *Connection and/or dedication entirely discretionary.* As the operation, maintenance, repair and replacement of the existing gravity fed sanitary sewer infrastructure falls to the municipality and is governed by the existing wastewater treatment capacity of the City’s existing facilities, any and all connections that shall call for the use of a lift station shall only be permitted by the Water & Sewer Director. At all times relevant to this code, the Water & Sewer Director shall reserve the discretion to accept or deny the installation of a privately funded or constructed lift station to connect to the existing gravity fed sanitary sewer, and this shall include any attempt to dedicate the transferable assets to municipal ownership and/or responsibility.

(b) Any application for use of a lift station by any real estate development or construction shall require the applicant to factually demonstrate to the Director that gravity sewer is conceivably unattainable, and the use of a lift station would have regional benefits that extend far beyond the developer’s investment interests and property boundaries.

(c) *Additional factors.* Any application for use of a lift station for sanitary sewer shall be subject to the following controls for connection or dedication eligibility:

- (1) The proposed lift station shall deliver a minimum watercourse rate of not less than 200 gallons per minute and serve the largest watershed sub-basin feasible;

- (2) The proposed lift station shall provide a minimum area of service not to be less than one square mile of improved real estate;
- (3) The proposed lift station shall lie geographically within one linear mile of the then existing municipal limits prior to annexation;
- (4) The proposed lift station shall have the capacity availability to serve not less than 300 residential connections; and/or
- (5) The proposed lift station shall be located as close in proximity to the existing gravity fed sanitary sewer service main available, thus reducing the length of any mechanical watercourse provided through a forced main.

(d) All sanitary sewer availability requests for land outside of the city's geographical limits shall be subject to approval by the governing authority upon the recommendation of the Utilities Administrator, and should the proposed parcel of real property meet all statutory requirements, the owner or developer shall be required to request annexation of the subject territory.

(e) Any proposal requiring merging of one or more force mains into one single common force main shall be prohibited unless:

- (1) It has first been approved by the Water & Sewer Director;
- (2) Applicant has demonstrated manifolding is exclusive solution;
- (3) That the proposed connection and manifolding shall not create an adverse impact on the then existing pumping system;
- (4) Applicant has demonstrated through accepted engineering practices and principles that each contributing pump added shall operate properly, safely and economically under the particular geographical or topographical conditions; and
- (5) Applicant has demonstrated through accepted engineering practices and principles that the energy grade line at the proposed connection point shall be fully incapable of generating a reverse watercourse in the common force main in the event of any failure such as that of the "check valve."

(f) If an application under consideration is to be granted, the municipal engineer shall first have approved the proposed location and provide final design approval

before construction may begin.

Sec. 94-254. Public lift station requirements; connection and/or dedication; rates for municipal lift station maintenance and operational service

(a) All public lift stations shall meet the Calhoun Utilities' Development Policies & Specifications for Water and Sanitary Sewer at the time of planning and installation for any addition or connection to the existing infrastructure.

(b) Technical and engineering specifications shall be provided to all future developers and contractors by the Water & Sewer Director, and private actors are required to access the latest requirements through the City's website under the Utilities Engineering tab.

(d) Any lift station previously operated by a third party and later conveyed to the City must be upgraded to meet the current requirements prior to transferring ownership to the municipality by a deed of dedication.

(e) To be considered, any proposal for use of a lift station by any real estate development or construction shall require the applicant to factually demonstrate to the Director that gravity sewer is conceivably unattainable, and the use of a lift station would have regional benefits that extend far beyond the developer's investment interests and property boundaries and shall be subject to the following controls for connection or dedication eligibility:

- (1) The proposed lift station shall deliver a minimum watercourse rate of not less than 200 gallons per minute and serve the largest watershed sub-basin feasible;
- (2) The proposed lift station shall provide a minimum area of service not to be less than one square mile of improved real estate;
- (3) The proposed lift station shall lie geographically within one linear mile of the then existing municipal limits prior to annexation;
- (4) The proposed lift station shall have the capacity availability to serve not less than 300 residential connections; and/or
- (5) The proposed lift station shall be located as close in proximity to the existing gravity fed sanitary sewer service main available, thus reducing the length of any mechanical watercourse provided through a forced main.

Sec. 94-255. Special monthly assessment of rates and fees for public lift station operation, maintenance and replacement.

(a) Due to the finite operational life span of any lift station necessary to generate a mechanical waste watercourse by force main to the elevation suitable for connection to existing gravity fed sanitary sewer infrastructure, the City shall enact, publish and assess a reasonable monthly rate to fund the increased lift station operation, maintenance and replacement expense.

(b) Said fees shall be established in particular for each resident or rate payer being directly served by any existing or future lift station for sanitary sewer, and these rates shall be set annually with publication and adoption of the municipal rates and fees by the governing authority. All rates or fees charged for use of a lift station in excess of the normally charged rates and fees for ordinary gravity fed sanitary sewer service shall be set with consideration of the following factors:

- (1) Any additional rates or fees imposed due to use of a newly approved lift station shall be imposed only upon those municipal residents or rate payers directly served with the sanitary sewer line employing the subject lift station;
- (2) All rates and fees shall be reasonably calculated to fund the operation, maintenance, ordinary repair and replacement expense incurred with use of a lift station for the manufacturer's expected duration of functionality, or a period of not more than 10 years from the date of approval by the City to construct; and
- (3) No resident or rate payer currently being served by an existing lift station for sanitary sewer service at the time of the enactment of this ordinance, or the twelve months immediately prior to adoption of this ordinance shall be assessed any additional fees or rates under these provisions.

Sec. 94-256. Regulation of private lift stations within municipal boundaries that are not connected to the public gravity fed sanitary sewer.

(a) Private lift stations shall not be constructed, operated, maintained, repaired or replaced with public funds if constructed after the enactment of this ordinance.

(b) If a private sanitary sewer system employing one or more lift stations shall never be intended to connect and become part of the municipal gravity fed sanitary sewer by either a deed of dedication or connection to the municipal system, then the

developer, engineer or constructor of that private system shall not be required to follow the same requirements contained above in this division if the waste carried within the system shall never be permitted to reach the municipal waste water facility or water supply.

(b) Even if not connected to the municipal gravity fed sanitary sewer owned, operated and maintained by Calhoun Utilities Division, any proposed private sanitary sewer using lift stations that shall be found within the municipal boundaries after the enactment of this ordinance may impact the health safety and welfare of the municipal population, the following minimum requirements shall be imposed as follows:

- (1) Acceptable uses to be considered for use of a private sanitary sewer and lift stations to mechanically generate waste watercourse are county jails, hotels, schools, municipal complexes, recreational complexes, corporately-owned apartment complexes, single family homes, independent businesses, and undivided industrial warehouses. Unacceptable applications include, but are not limited to, residential subdivisions, duplexes, multi-family homes, fee simple apartments, commercial strip malls or industrial centers with divided ownership, industrial parks, and any conglomeration or configuration of properties with multiple owners.
- (2) Private lift stations shall be employed only where necessary to provide sanitary sewer service and the requisite mechanical watercourse through forced mains for properties where gravity sewer is conceivably unattainable;
- (3) Private lift stations can only serve a single facility on a single parcel of land without subdivided or multiple tenant ownership, and the actions of one connected party or property shall not affect the operation of any other party or property connected to the sanitary sewer system;
- (4) A single individual or duly created business organization formed in the State of Georgia, or registered with the Secretary of State to conduct business and economic opportunities domestically shall be designated and made contractually liable to the municipality to accept full responsibility for, and indemnify the City with regard to all expenses associated with the proper and timely operation, maintenance, repair and replacement of any lift station or other private sanitary sewer infrastructure, the violation of any applicable local ordinance, state statute, federal code or agency regulations

and/or the necessity for the City to assume control of the system to protect the health, safety and welfare of the community at large;

- (5) The individual or business organization liable for the operation and maintenance of a private sanitary sewer system provided in subsection (4) herein shall annually provide to the Water & Sewer Director updated contact information including the the principle place of business address, the registered agent for service of process, and copies of all executed mandatory agreements with a qualified engineering firm to provide inspection and maintenance;
- (6) The individual or business organization shall provide proof of maintenance and inspections conducted annually to the Water & Sewer Director, or upon request as the improper maintenance or operation of any element within a sanitary sewage conveyance system (including but not limited to gravity lines, the wet well, manholes, force main, electrical components, mechanical equipment); and the second documented failure to provide these reports annually or upon 30 days of the initial request shall be grounds for the City to immediately execute a temporary shut-off of the municipally supplied potable or other water supply until compliance with this ordinance has been provided in full, including any mandated repair or maintenance identified by any inspection or log.

(c) It shall be permissible for a simplex pumping system to be employed by a single family residence to provide sanitary waste removal and treatment under this ordinance, however all other buildings, projects or installations shall be required to employ a duplex pumping system with an audible alarm for sanitary sewer waste removal service only when connection to the municipal gravity fed sanitary sewer is geographically, topographically and/or economically infeasible.

(d) At no time shall a private sanitary sewer, lift stations, or other forms of a force mains be permitted to be located within the municipal right-of-way or utility easements.”

SECTION TWO: This ordinance shall become effective immediately following enactment by the Mayor and Council of the City of Calhoun, Georgia, the public health, safety, and welfare requiring it.

SECTION THREE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION FOUR: It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional, or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ADOPTED, this the ____ day of May, 2024.

ATTEST:

JAMES F. PALMER, MAYOR
CITY OF CALHOUN, GEORGIA

SHARON NELSON, CITY CLERK

Date of First Reading: _____

Date of Second Reading: _____

Date of Public Hearing: _____