



## CITY OF DUNWOODY

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### MEMORANDUM

**To:** Mayor and City Council

**From:** Jennifer Peterson, Community Development Director

**Date:** May 11, 2009

**Subject:** **Regulations to Require Fix for Water Leaks**

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This is a first reading of an ordinance to modify the language of Chapter 25. Second reading is scheduled for May 11<sup>th</sup>.

At the request of some Council members, staff presents modifications to Chapter 25, the Water Sewer and Sewerage Code to require property owners to fix water leaks on private property at the customer's expense.

Currently, our ordinance does not require a property owner to fix a water leak when the leak occurs within the private water lines, aka, on the private side of the water meter. Should Council wish to require water customer's to fix leaks staff recommends three changes to the code. Those changes are attached, and shown in red underline.

The first change creates the definition of a leak. The second change states that the customer must fix the leak. The third change allows City staff to enforce the code in addition to DeKalb County.

**AN ORDINANCE AMENDING CHAPTER 25 OF THE CITY OF DUNWOODY CODE  
OF ORDINANCES BY REQUIRING PROPERTY OWNERS TO REPAIR WATER  
LEAKS**

**WHEREAS**, the City of Dunwoody has heretofore adopted an ordinance for Water, Sewer and Sewage Disposal, as set forth in Chapter 25 of the Code of the City of Dunwoody (the "Code"); and

**WHEREAS**, Chapter 25 currently does not require property owners to repair any water leaks that may occur on their property and which may spill onto and possibly damage adjacent or public property; and

**WHEREAS**, the Mayor and City Council have determined that in order to protect the health, safety and public welfare of the citizens of Dunwoody, and preserve individual property rights, it may be appropriate to amend Chapter 25 to require property owners to repair water leaks on their property.

**THEREFORE**, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

**Section 1:** That Chapter 25 of the City of Dunwoody Code is amended by addition of certain language to Article I, Division I, Sections 1, 2 and 6 of the Chapter, as attached hereto and incorporated herein by reference.

**Section 2:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED**, this \_\_\_ day of \_\_\_\_\_, 2009.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)

\_\_\_\_\_  
Brian Anderson, City Attorney

## **Chapter 25: Water, Sewers and Sewage Disposal**

### **Article I: DeKalb County Water System**

#### **Division 1: Generally**

##### *Section 1: Definitions*

Leak means an unintended hole, crack, or failure of plumbing components, through which potable water, enters or escapes from the water system, service line or plumbing.

##### *Section 2: Cross-connection survey team*

The cross-connection survey team shall work under the direction of the Department, and shall have authority for implementation of the cross-connection requirements of DeKalb County. It shall have responsibility to see that backflow prevention devices are installed where required, tested for proper functioning upon completion of installation, and periodically tested for proper functioning after installation.

Leaks on a service line and plumbing shall be eliminated by the customer, at the customer's expense. Penalties for non-compliance shall be as stated in Article I, Division 1, Section 6.

##### *Section 6: Emergency restriction of service*

- (a) The City and DeKalb County reserve the right to shut off or diminish flow in system mains due to repairs, emergencies or water shortage. Notice shall be given in the event of water shortage or prolonged routine maintenance interruptions of service. Notice is not required for emergency diversions of water or emergency repairs.
- (b) During periods of dry weather, upon determination by DeKalb County that a water shortage or potential water shortage exists to the extent that DeKalb County water system may not have sufficient flows for domestic service and fire protection, the City or DeKalb County may issue such warning to the public as appropriate to effect conservation measures or the City may by order or ordinance direct that unessential water usages, such as lawn watering and automobile washing, may be restricted to certain hours of the day or not permitted at all until the shortage or potential shortage no longer exists. Persons shall not violate such an order or ordinance.
- (c) Any person who does anything prohibited or fails to do anything required either by this section or by an order or ordinance of the City, upon citation and conviction of the violation in a court of competent jurisdiction, including the City of Dunwoody Municipal Court, shall be subject to the penalties in accordance with this section and Chapter 1 of

the Code of the City of Dunwoody. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.

- (d) For a first violation of the provisions of this section or of an order or ordinance of the City pursuant to this section, the Director of Watershed Management of DeKalb County or designee or the City of Dunwoody shall issue a written warning of the violation and if the violation is not corrected immediately, a notice of violation shall be issued. If the first violation presents an imminent threat to public health or safety, the DeKalb County Director of Watershed Management, his designee or the City of Dunwoody Code Enforcement shall issue an immediate citation in lieu of a written warning.
- (e) Upon conviction of any violation of this section or of an order or ordinance of the City pursuant to this section, the court shall impose a fine of not less than two hundred and fifty dollars (\$250.00) in addition to any other penalty or punishment imposed by the court.
- (f) Upon a second and subsequent conviction within a twelve-month period measured from the date of the first conviction of any violation of this section or of an order or ordinance of the City pursuant to this section, the court shall impose a fine of not less than five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court.
- (g) Upon a third and subsequent conviction within a twelve-month period measured from the date of the first conviction of any violation of this section or of an order or ordinance of the City pursuant to this section, the court shall terminate water service to the property where the violation occurred for a period of time to be determined in the discretion of the court, impose a fine of not less than one thousand dollars (\$1,000.00) and impose a minimum jail sentence of twenty-four (24) hours.
- (h) The penalties provided in this section are not cumulative and shall not prohibit the City from pursuing any other civil or criminal remedies authorized by this Code, the DeKalb County Code of Ordinances, State, or Federal law.