

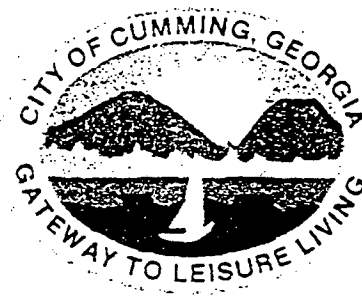
**ORIGINAL**

# **Service Delivery Strategy Manual**

*for the*

## **City of Cumming**

(Chartered 1845)



*and*

## **Forsyth County**



*Adopted May 4, 1998*



SERVICE DELIVERY STRATEGY

FOR FORSYTH COUNTY

I. GENERAL INSTRUCTIONS

1. Only one set of these forms should be submitted per county. The completed forms should clearly present the collective agreement reached by all cities and counties that were party to the service delivery strategy.
2. List each local government and/or authority that provides services included in the service delivery strategy in Section II below.  
List all services provided or primarily funded by each general purpose local government and authority within the county in Section III below. It is acceptable to break a service into separate components if this will facilitate description of the service delivery strategy.
3. For each service or service component listed in Section III, complete a separate *Summary of Service Delivery Arrangements* form (page 2).
4. Complete one copy of the *Summary of Land Use Agreements* form (page 3).
5. Have the *Certifications* form (page 4) signed by the authorized representatives of participating local governments. Please note that DCA cannot validate the strategy unless it is signed by the local governments required by law (see Instructions, page 4).
6. Mail the completed forms along with any attachments to:

Georgia Department of Community Affairs  
 Office of Coordinated Planning  
 60 Executive Park South, N.E.  
 Atlanta, Georgia 30329

*For answers to most frequently asked questions on Georgia's Service Delivery Act, links and helpful publications, visit DCA's website at [www.dca.servicedelivery.org](http://www.dca.servicedelivery.org), or call the Office of Coordinated Planning at (404) 679-3114.*

*Note: Any future changes to the service delivery arrangements described on these forms will require an official update of the service delivery strategy and submittal of revised forms and attachments to the Georgia Department of Community Affairs.*

II. LOCAL GOVERNMENTS INCLUDED IN THE SERVICE DELIVERY STRATEGY:

In this section, list all local governments (including cities located partially within the county) and authorities that provide services included in the service delivery strategy.

FORSYTH COUNTY  
 CITY OF CUMMING

III. SERVICES INCLUDED IN THE SERVICE DELIVERY STRATEGY:

For each service listed here, a separate *Summary of Service Delivery Arrangements* form (page 2) must be completed.

1. Water & Wastewater ✓
2. Land Use Compatibility and Provisions for Dispute Resolution. ✓
3. Development Permitting & Inspections. ✓
4. Building Permitting & Inspections. ✓
5. Soil Erosion Permitting & Enforcement. ✓
6. Economic Development. ✓
7. Emergency Management. ✓
8. Fire Services. ✓
9. Law Enforcement. ✓ **NO MAP ENCLOSED**
10. Road & Bridges. ✓
11. Recreation & Parks. ✓
12. Municipal Court. ✓
13. Storm Water Management. ✓
14. Tax Assessment & Collection. ✓
15. Garbage Pick-Up. ✓
16. Housing Authority. ✓
17. Alcohol Licenses. ✓
18. Business Licenses. ✓
19. General Administration & Finance. ✓



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FOR FORSYTH COUNTY

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FORSYTH COUNTY  
 CITY OF CUMMING

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2. Land Use Compatibility and Provisions for Dispute Resolution.
3. Development Permitting & Inspections.
4. Building Permitting & Inspections.
5. Soil Erosion Permitting & Enforcement.
6. Economic Development.
7. Emergency Management.
8. Fire Services.
9. Law Enforcement.
10. Road & Bridges.
11. Recreation & Parks.
12. Municipal Court.
13. Storm Water Management.
14. Tax Assessment & Collection.
15. Garbage Pick-Up.
16. Housing Authority.
17. Alcohol Licenses.
18. Business Licenses.
19. General Administration & Finance.



# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes should be reported to the Department of Community Affairs.

County: Forsyth Service: Water & Wastewater

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)

Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

Service Delivery Area Map attached.

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
<u>Forsyth County</u>	<u>User Fees, Impact Fees, Bonded Indebtedness, enterprise funds.</u>
<u>City of Cumming</u>	<u>User Fees, Impact Fees, Bonded Indebtedness, enterprise funds.</u>

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?

No Change.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
<u>Memorandum of Agreement</u>	<u>Forsyth County/City of Cumming</u>	<u>Feb. 27, 1987 current</u>
<u>Joint Resolution</u>	<u>Forsyth County/City of Cumming</u>	<u>Feb. 27, 1987 current</u>
<u>Wholesale Water User's Agreement</u>	<u>Forsyth County/City of Cumming</u>	<u>June 1, 1987 current</u>
<u>Amendment to Wholesale Water User's Agreement</u>	<u>Forsyth County/City of Cumming</u>	<u>Jan. 22, 1997 current</u>

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

Resolution for Service Delivery Strategy as it pertains to Water and Wastewater for Cumming and Forsyth County. Effective: \_\_\_\_\_  
Copy of signed resolution attached.

7. Person completing form: Gerald Blackburn, City Manager/Stevie P. Mills, County Administrator

Phone number: 770-781-2010/781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no

If not, provide designated contact person(s) and phone number(s) below:

**Service Delivery Strategy  
Pertaining to Water and Wastewater  
for Cumming and Forsyth County**

After many years of dispute over water and wastewater service within Forsyth County and the City of Cumming, there was a Memorandum of Agreement entered into by Forsyth County Board of Commissioners and the Mayor and Council of the City of Cumming in 1987.

This initial agreement was general in nature, however, during the year 1987 addendums were added for clarification of service and delivery responsibilities. This agreement remained in place and functioned well, without change until it became necessary to amend the document with regard to rate and fee structure in 1997.

Please see the following Appendixes:

Appendix A: Memorandum of Agreement - adopted February 27, 1987

Appendix B: Joint Resolution - adopted February 27, 1987

Appendix C: Wholesale Water User's Agreement - adopted June 1, 1987

Appendix D: Boundaries (Map included) - established June 1, 1987

Appendix E: Manual of Technical Specifications - established May 1987

Appendix F: Amendment to the Wholesale Water User's Agreement -  
adopted January 22, 1997

*There has been no points of dispute, with regard to any of the agreements documents listed above, with the exception of Paragraph II in the Wholesale Water User's Agreement (Rates, Payments, Adjustments). After many meetings and a number of discussions over a ten year period, Mr. Harold Reheis, and members of his Department of Natural Resources Staff, moderated a meeting on January 21, 1997, which included the following participants: Mayor and Council of the City of Cumming, Forsyth County Board of Commissioners, City and County Administrators, City and County Engineers, City and County Legal Counsel. This meeting resulted in the adoption of the Amendment to the Wholesale Water User's Agreement and replaces paragraph II of the original document.*

*No points of dispute have occurred since the adoption of this amendment.*

Appendix G: Rate Structure City Service Area (See Certified Letter from City Engineer)

*The City of Cumming has two rates noted as "inside" and "outside", pertaining to water and sewer. This is explained in greater detail by the City's Engineer listed as Appendix G.*


Appendix H: Rate Structure County Service Area ( See Certified Letter from County Engineer)

*Forsyth County's rate structure is explained in detail in the County Engineer's Letter listed as Appendix H.*

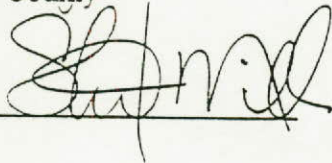
**-Summary-**

Over many years of operation in water and wastewater, the City of Cumming and Forsyth County have created bond revenue indebtedness against their respective water and wastewater entities, along with GEFA Loans and State Revolving Loans. The rates as indicated in appendixes (G) and (H) were established in direct relation to paying the indebtedness and providing for sufficient operating monies.

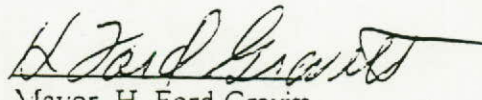
We, the undersigned agree that the contractual agreements and operational procedures in place have proven to be an effective and efficient manner of delivery of water and wastewater services with no apparent duplication nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

  
Commissioner/Chairman, Bill R. Jenkins  
Forsyth County

Attest:



County Seal:

  
Mayor, H. Ford Gravitt  
City of Cumming

Attest:



City Seal:

COUNTY OF FORSYTH  
STATE OF GEORGIA

MEMORANDUM OF AGREEMENT

WHEREAS the Board of Commissioners of Forsyth County, hereafter called the "Board", and the Mayor and Council of the City of Cumming, hereafter called the "City", have agreed in principle to territorial jurisdiction and cognizance in the provision of water and sewerage services in the unincorporated areas of Forsyth County, and other related matters, and desire that agreement to be reduced to writing; and,

WHEREAS both the Board and the City, in the exercise of their constitutional and statutory powers, desire to enter into a binding agreement, pertaining to jurisdiction and cognizance in the provision of water and sewerage services in the unincorporated areas of Forsyth County, and other related matters; and,

WHEREAS the Board is a statutory successor to the Forsyth County Water and Sewerage Authority and desires to enhance and promote the development of water and sewerage services in the unincorporated areas of Forsyth County; and,

WHEREAS the City is authorized by statute to provide water and sewerage services in the unincorporated areas of Forsyth County and has, for a long time, provided such services; and,

WHEREAS the Board and the City are both desirous of providing quality water and sewerage services to the citizens of Forsyth County in order to meet existing and projected needs for such services and to promote the orderly growth of Forsyth County; and,

WHEREAS service boundaries between the areas to be served by the Board and the City will facilitate orderly economic and efficient service and growth; and,

WHEREAS the Board and City both recognize that increased financial resources are necessary for the proper growth and development of water and sewerage services in Forsyth County; and,

WHEREAS the Board and the City are in agreement as to the necessity of a special county one per cent sales and use

tax in order to provide the financial resources necessary to the proper growth and development of water and sewerage services in Forsyth County;

NOW THEREFORE, for and in consideration of the recitals hereinbefore made and the mutual promises and agreements set forth hereafter, the Board and the City do hereby agree, and intend to be contractually bound by such agreement, as follows:

#### I. TERRITORIAL JURISDICTION AND COGNIZANCE

From and after the execution of this Agreement, the Board and City agree that the City shall have the exclusive jurisdiction and cognizance in the provision of water and sewerage services within the areas identified on Exhibit 1. The Board recognizes and agrees to the City's jurisdiction within those boundaries, and the City agrees to provide water services and, when available, sewerage services to citizens and activities within the area so bounded.

#### II. WATER SERVICE AGREEMENT

In areas in which it exercises jurisdiction and cognizance, the City agrees to provide services as aforesaid, acting essentially as a retailer of such services.

In areas in which the Board exercises jurisdiction and cognizance, the City agrees to provide water services acting essentially as a wholesaler of such services. The Board agrees to purchase such services at a fair and reasonable price. The City specifically agrees to provide such services when requested to do so by the Board.

#### III. SPECIAL SALES AND USE TAX

The parties agree to use their best corporate and personal efforts to procure the acceptance of a special county one per cent sales and use tax by the citizens of Forsyth County at the referendum called for that purpose.

Upon the adoption of a special sales and use tax, the same to be in effect for five years to finance the development of water and sewerage facilities, including the acquisition of capital improvements, by the Board and the City, and recognizing the significant development already in place by the City, the parties agree to the following allocation of revenues received from such tax, as provided in Section 48-8-115 (2) of the Official Code of Georgia Annotated: the City shall be allocated not less than \$820,000.00 in the first and each succeeding year, and, in



addition thereto, the City shall receive twenty per cent of the remaining funds received from this special sales and use tax during the existence of the tax.

Upon execution of this Agreement there will be a one thousand foot setback from water lines before a master meter is installed on Highway 20 either East of the city limits or West of the City of Cumming. All existing customers on the water lines on Highway 20 shall remain those of the City of Cumming. The county will install all perimeter water lines as delineated on Exhibit 1.

#### IV. IMPLEMENTATION OF AGREEMENT

The parties recognize that a number of procedural and technical provisions need to be made in order to fully implement this Agreement. The parties, therefore, agree further that a technical committee, consisting of the County Administrator of Forsyth County and the City Administrator of the City of Cumming, and assisted by such other County and City officers and employees as may be necessary, shall within ninety days of the execution of this Agreement submit to the Board and to the City a more detailed agreement to carry forth the spirit and the letter of this Agreement. Such new agreement shall provide fully for the provision of water and sewerage services throughout the unincorporated areas of Forsyth County for a period in the future of not less than ten years.

#### V. EXECUTION

This Agreement shall be executed in duplicate by the Board and the City and shall be effective when executed by both parties.

Executed this 27<sup>th</sup> day of February, 1987, by the Board and  
the 27<sup>th</sup> day of February, 1987, by the City, at Cumming, Georgia.

BOARD OF COMMISSIONERS  
OF FORSYTH COUNTY:

MAYR AND COUNCIL  
OF THE CITY OF CLUMING:

Leroy Hubbard  
LEROY HUBBARD, CHAIRMAN

H. Ford Gravitt  
H. FORD GRAVITT, MAYOR

David Gilbert  
DAVID GILBERT, VICE CHAIRMAN

Ralph Perry  
RALPH PERRY, COUNCILMAN

James Harrington  
JAMES HARRINGTON, SECRETARY

Rupert Sexton  
RUPERT SEXTON, COUNCILMAN

Charles F. Welch  
CHARLES WELCH, COMMISSIONER

Lewis Ledbetter  
LEWIS LEDBETTER, COUNCILMAN

Michael Bennett  
MICHAEL BENNETT, COMMISSIONER

Kenneth J. Vanderhoff  
KENNETH J. VANDERHOFF, COUNCILMAN

Attest:

Quincy Holman  
QUINCY HOLMAN, COUNCILMAN

Attest:

Betty Shadburn  
Betty Shadburn, Clerk

Estlene Stanford  
Estlene Stanford, City Clerk

A JOINT RESOLUTION  
OF THE  
BOARD OF COMMISSIONERS OF FORSYTH COUNTY  
AND THE  
MAYOR AND COUNCIL OF THE CITY OF CUMMING

A Joint Resolution of the Board of Commissioners of Forsyth County and the Mayor and Council of the City of Cumming to ratify and adopt the Agreement of these parties relative to territorial jurisdiction and cognizance in the provision of water and sewerage services in the unincorporated areas of Forsyth County, and other matters related thereto.

WHEREAS the Board of Commissioners of Forsyth County and the Mayor and Council of the City of Cumming have agreed to territorial jurisdiction and cognizance in the provision of water and sewerage services in the unincorporated areas of Forsyth County, and other matters related thereto; and,

WHEREAS these governing authorities have directed that a Memorandum of Agreement be prepared reflecting their agreement as to substantive matters pertaining to territorial jurisdiction and cognizance in the provision of water and sewerage services as aforesaid, and such a Memorandum has been prepared; and,

WHEREAS the Memorandum of Agreement provides that representatives of these governing authorities prepare a more specific agreement concerning the water and sewerage services referred to herein;

NOW THEREFORE BE IT JOINTLY RESOLVED by the Board of Commissioners of Forsyth County and the Mayor and Council of the City of Cumming, and is hereby resolved by the authority of the same

1.

That the Memorandum of Agreement appended hereto as Appendix I, and the map attached thereto, be approved and duly executed by the governing authorities of Forsyth County and the City of Cumming; and

2.

That the County Administrator and the City Administrator

with such technical assistance as may be required from other officers and employees of Forsyth County and the City of Cumming, prepare a detailed and specific agreement, based on the Memorandum of Agreement recited herein, concerning the provision of water and sewerage services in the unincorporated areas of Forsyth County, and submit the same within 90 days of the adoption of this Resolution, for consideration by the governing authorities of Forsyth County and the City of Cumming.

This Joint Resolution is hereby adopted at Cumming, Georgia, this 27<sup>th</sup> day of February, 1987, by the Board of Commissioners of Forsyth County, and this 27<sup>th</sup> day of February, 1987, by the Mayor and Council of the City of Cumming, the public health, safety and general welfare demanding it.

BOARD OF COMMISSIONERS  
OF FORSYTH COUNTY:

LeRoy Hubbard  
LEROY HUBBARD, Chairman

David Gilbert  
DAVID GILBERT, Vice Chairman

James Harrington, Jr.  
JAMES HARRINGTON, JR., Secretary

Charles F. Welch  
CHARLES WELCH, Commissioner

Michael Bennett  
MICHAEL BENNETT, Commissioner

Attest:

Betty Shadburn  
Betty Shadburn, Clerk

MAYOR AND COUNCIL  
OF THE CITY OF CUMMING:

H. Ford Gravitt  
H. FORD GRAVITT, Mayor

Ralph Perry  
RALPH PERRY, Councilman

Rupert Sexton  
RUPERT SEXTON, Councilman

Quincy Holten  
QUINCY HOLTEN, Councilman

Lewis Ledbetter  
LEWIS LEDBETTER, Councilman

Kenneth J. Vanderhoff  
KENNETH J. VANDERHOFF,  
Councilman

Attest:

Estlene Stanford  
Estlene Stanford, City Clerk

ADDENDUM TO SECTION IV OF THE MEMORANDUM OF AGREEMENT EXECUTED  
THE 27th DAY OF FEBRUARY, 1987, BY FORSYTH COUNTY BOARD OF  
COMMISSIONERS AND THE MAYOR AND COUNCIL OF THE CITY OF CUMMING

A. BOUNDARIES

(1) Highway 20 East of Cumming. In the areas that are to be served by Forsyth County on Highway 20, the County will have the right to establish a meter at any major road intersection on the South side of the road that is to be served by the County. If a new development is established on the South side of Highway 20 East and a road will be developed to serve this development, then a master meter will be installed by the County to serve this development. Any single family residence or business that is tapped on to the line on either side of Highway 20 East will be served by the City on this line, and at no time will the County enter into the establishment of single family metering on Highway 20 East.

(2) Highway 20 West of Cumming. A master meter can be established by the County at any of the major road intersections either North or South of Highway 20 West with the exception of the intersections of Doc Sams Road, Franklin Gold Mine, Friendship Circle, Spot Road Connector and Spot Road with Highway 20 West. These are presently served by the City and will continue to be served by the City. At any other intersection, or with the development of a piece of property, a master meter may be established at any of such points by the County. A master meter should be installed by the County at the County Line and come up Heardsville Road to intersect with Gold Mine and Doc Sams

Roads in order to establish the loop, and from that point the County will go forward with any development it wishes in the way of water lines:

(3) Bethelview Road. At the intersection of Bethelview Road and Highway 20 West a master meter will be established by the County to run the water line down Bethelview Road. The City may establish a master meter at any intersection on their territorial (Eastern) side but all single family residence or business will be serviced by the County, whether now in service or later tapped on.

(4) Doc Bramblett Road and Spot Road. The City has an 8-inch line at the intersection of Doc Bramblett Road and Spot Road. At this point the County will establish a master meter and run North with a 12-inch line. The same format will be established in this territory as is on Bethelview Road, with the City's jurisdiction being East of Doc Bramblett Road. The line will continue to Highway 369. At this point a 12-inch line will be installed by the County from the intersection of Doc Bramblett Road and 369 East Southeasterly to Highway 9 (SR 9), at which point engineering consideration will be determined as to how the lines can be inter-connected.

(5) Highway 369 & 400. At the end of the County's line at 369 and the Dinner Deck on 400, a line will be run by the County from there to Six Mile Creek. The City may tap on at Highway 400 or at Highway 306. All single family residences and businesses ~~belong to the County.~~

(6) Developments in the area North and West of the East branch of Bald Ridge Creek, from the intersection of this branch with Highway 369 to Bald Ridge Creek's confluence with Lake Lanier shall belong to the City, other than residences and businesses along Highway 369.

(7) Within the territorial jurisdictions of the City and County as set out above, the governing authority having that jurisdiction shall be entitled to install a master meter on any boundary road to service any development within that jurisdiction and thereafter to service elements within the development.

#### B. ENGINEERING.

A Manual of Technical Specifications and Construction Standard Details for Water System Construction will be prepared and submitted to each governing authority for acceptance and approval and will become a part of The Memorandum of Agreement.

#### C. WATER SALES.

(1) The City shall sell water to the County at a rate per one thousand gallons determined by the following formula: the cost of water production plus a "wheeling" fee shall equal the wholesale price to the County.

(2) Other matters relating to water sales, such as drought restrictions, service capacity, water quality testing, among others, shall be addressed in a separate document to be prepared

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BOARD OF COMMISSIONERS  
OF FORSYTH COUNTY:

MAYOR AND COUNCIL  
OF THE CITY OF CUMMING:

*1-87 Leroy Hubbard*  
LERROY HUBBARD, CHAIRMAN

*H. Ford Gravitt 5/19/87*  
H. FORD GRAVITT, MAYOR

*1-87 David Gilbert*  
DAVID GILBERT, VICE CHAIRMAN

*Ralph Perry 5-19-87*  
RALPH PERRY, COUNCILMAN

*87 James Harrington*  
JAMES HARRINGTON, SECRETARY

*Rupert Sexton 5-19-87*  
RUPERT SEXTON, COUNCILMAN

*1-87 Charles Welch*  
CHARLES WELCH, COMMISSIONER

*Lewis Ledbetter*  
LEWIS LEDBETTER, COUNCILMAN

*1-87 Michael Bennett*  
MICHAEL BENNETT, COMMISSIONER

*Kenneth J. Vanderhoff*  
KENNETH J. VANDERHOFF, COUNCILMAN

Attest:

*Quincy Holton*  
QUINCY HOLTON, COUNCILMAN

*Betty Shadburn*  
Betty Shadburn, Clerk

Attest:  
*Estelena Stanford*  
Estelena Stanford, City Clerk



STATE OF GEORGIA     )

COUNTY OF FORSYTH    )

WHOLESALE WATER USERS AGREEMENT

THIS AGREEMENT between the City of Cumming, a municipality chartered and existing under and by virtue of the laws of the State of Georgia, hereinafter called the City, and Forsyth County, hereinafter called the User

WITNESSETH: That, Whereas, the User desires to provide retail water service to portions of Forsyth County, and, whereas the User has no facilities to produce potable water for domestic, commercial or industrial consumption, and, whereas, the City has a water filtration system and desires to filter, store and transmit potable water on a wholesale basis.

NOW, THEREFORE, in consideration of mutual covenants, promises and agreement herein contained, it is hereby understood and agreed:

1. SERVICES TO BE RENDERED: The City shall furnish and the User shall purchase, subject to the limitations provided herein, such quantities of water as the User may desire in connection with its retail water distribution system.

2. RATES, PAYMENTS AND ADJUSTMENTS: For and in consideration of the performance of the stipulations of this contract, the User shall pay the City for water delivered and metered at an initial rate of \$0.985 per 1,000 gallons. The City shall render monthly statements to the User and all bills for water purchase will be due and payable 15 days after the delivery of said bills. This rate includes the present cost of water production plus a wheeling fee of 33% of the production costs. This rate shall be adjusted annually, based on changes in the City's cost of power and labor. The adjustment shall be computed by the City, based on the actual annual cost per kilowatt hour of electricity, and the actual cost per manhour for labor and plant operation.

3. SERVICE CURTAILMENT: Should a need arise to restrict the water consumption, the City shall issue a curtailment order in accordance with the Emergency Drought Contingency Plan of the City, on file with the Georgia Department of Natural Resources, Environmental Protection

Division (EPD). No favoritism of the curtailment order shall be shown with either the User's customers or the City's customers.

4. MASTER METERS: The cost for design and construction of master meters shall be borne by the User or the City, as the case may be, upon the installation of the same by a party at points elsewhere agreed to by the parties to this Agreement. Master meters shall be owned, operated, and maintained by the party installing them.

5. METER READINGS: Readings shall be made on a monthly basis by the party having jurisdiction over the line at the place where the master meter has been installed; the other party shall have the right to verify meter readings at any time. The furnishing of water will be measured by metering equipment of standard manufacture. Such equipment shall be furnished, installed maintained, calibrated and read by the party having jurisdiction over the line at the place where the meter has been installed. Billings for water used shall be made to the using party. Billings based on meter readings of less than twenty-seven (27) days or more than thirty-two (32) days shall be prorated accordingly. In the event that any meter fails to register or registers incorrectly, the quantity of water delivered through it during the service period shall be estimated, based upon prior usage, and an equitable adjustment of a billing based thereon shall be made in the bills to the using party. For this purpose, any meter which registers not more than two per cent (2%) slow or fast shall be deemed to be correct.

6. METER TESTS: The City, at its expense, shall periodically inspect and test the meters installed at intervals of no longer than five (5) years. At the written request of the User, the City, in the presence of User's representatives, shall make additional tests of any or all meters. The cost of such additional tests shall be borne by the User if the percentage of error is found to be not more than two (2) percent slow or fast. No meter shall be placed in service which on test registers in excess of one hundred (100) percent under normal operating conditions.

7. TERMINATION: Upon the termination of this Agreement at the request of the User, or by mutual agreement of the parties, the User agrees to pay to the City, as termination costs, a portion of the undepreciated costs of any capital improvements which have been necessitated by the terms of this Agreement and which have either been requested by the User or undertaken with its knowledge and consent. Such capital improvements may include water production, storage or transmission facilities for which capacity has been reserved for the User. The termination costs to the User shall be determined by a percentage of the undepreciated costs, derived from the ratio which the use of the User at the time of termination bears to the total use of the User and the City at that time. The parties agree that the user must consent to the life and method systems used in determining depreciation prior to the fixing of termination costs as discussed herein.

8. CROSS-CONNECTION: The User agrees to comply with the City's cross-connection control program which is on file with the Georgia EPD.

9. TOTAL REQUIREMENTS: The User agrees to purchase its requirements for water from the City, except for agreements it has in force with other producers on the date of this Agreement. When additional requirements of water production are required by the User, it shall give reasonable and timely notice thereof to the City, which shall thereafter undertake the improvement of its facilities to meet those requirements of the User. The User agrees to draw its water from the City, except for existing commitments to other producers, so long as its needs are within the capacity of the City. It is understood and agreed by the parties that the User shall not be restricted by the terms of this paragraph if its needs cannot be met by the City.

10. TERM: This Agreement shall remain in force for a period of twenty-five (25) years after the date of this Agreement. After that period, the Agreement can be terminated by either party by giving written notice to the other party one (1) year in advance of the termination date.

IN WITNESS WHEREOF, we have hereunto executed this Agreement this 1<sup>st</sup> day of JUNE, 1987.

Forsyth County

Morgan H. Ford Grant  
City of Cumming 5/19/87

6-1-87 By: Leon Holland  
6-1-87 David Hillbert  
6-1-87 James Harris  
6-1-87 Charles Wild  
Date Mit. Burnett

Kenneth J. Vandenberg  
James K. Bell  
August L. Sullivan  
Ralph Perry  
Date

Dinny Holton

Approved as to Form

Approved as to Form

By: Kip McWay  
County Attorney

By: Rach Rice  
City Attorney

6-2-87  
Date

5-19-87  
Date

Betty Shadburn  
Commission Clerk

Estlene Starford  
City Clerk

## AMENDMENT TO WHOLESALE WATER USERS AGREEMENT

The City of Cumming (the "City") and Forsyth County (the "User") hereby agree to amend the Wholesale Water Users Agreement, executed between the parties on May 26, 1987, (the "Agreement") as follows:

To supersede in its entirety Provision No. 2 (entitled "RATES, PAYMENTS AND ADJUSTMENTS") of the Agreement, with the following provision:

"2. RATES, PAYMENTS AND ADJUSTMENTS: For and in consideration of the performance of the stipulations of this Agreement, the User shall pay the City for water delivered and metered at an initial rate of \$1.88 per 1,000 gallons, effective November 15, 1995. The City shall render monthly statements to the User and all bills for water purchased will be due and payable 15 days after the delivery of said bills. Each calendar year subsequent to 1997, thus commencing in 1998, as of April 1, the City may adjust the water rate in effect on that date upwards by a maximum percent equal to the annual percent increase in the Consumer Price Index (CPI-U) for the Atlanta, Georgia Metropolitan Area for the immediately preceding calendar year as published by the United States Bureau of Labor Statistics of the United States Department of Labor, but not to exceed four per cent. In each calendar year in which the water rate is adjusted under this provision, the City shall provide written notice of such adjustment to the User by April 1 of that same year and the adjustment shall go into effect as of June 1 of that year such that the User shall pay the adjusted rate for all bills as of June 1 of that year and thereafter under this Agreement. If the Bureau of Labor Statistics should stop publishing the CPI or should substantially change the content or format of the CPI, the parties to this Agreement shall substitute a comparable measure published by a mutually agreeable source.

The User may build and operate a Water Treatment Plant to commence operation on or after January 1, 2000, to provide water to the Forsyth County Water Service Area and other entities but not to any entity within the City of Cumming or City Service Area. Effective January 1, 2000, and through May 26, 2012, the annual quantity of water purchased by the User from the City under this Agreement shall never be less than, but need not be more than, the total annual amount purchased from the City during calendar year 1999.

The Wholesale Water Users Agreement shall terminate on May 26, 2012 and there shall be no termination fee due.

To the extent that this provision conflicts with other provisions of the Wholesale Water Users Agreement, this provision shall control."

Executed this 22<sup>d</sup> day of January 1997, by the Board of Commissioners of Forsyth County and the Mayor and Council of the City of Cumming, Georgia.

Forsyth County Board of Commissioners

Julian Bowen  
Julian Bowen, Chairman

William R. (Andy) Anderson  
William R. (Andy) Anderson, Commissioner

John F. Kieffer  
John F. Kieffer, Commissioner

Bill Jenkins  
Bill Jenkins, Commissioner

Lamar Suddeth  
Lamar Suddeth, Commissioner

Attest: Betty Shalhou Date: 1/22/97

Seal of Forsyth County

City of Cumming Mayor and Council

H. Ford Gravit  
H. Ford Gravit, Mayor

Quincy Holton  
Quincy Holton, Councilman

Lewis Ledbetter  
Lewis Ledbetter, Councilman

Ralph Perry  
Ralph Perry, Councilman

John D. Pugh  
John D. Pugh, Councilman

Rupert Seaton  
Rupert Seaton, Councilman

Attest: [Signature] Date: 1-21-97

Seal of the City of Cumming

MANUAL OF TECHNICAL SPECIFICATIONS  
AND CONSTRUCTION STANDARD DETAILS  
FOR WATER SYSTEM CONSTRUCTION

Prepared for  
Forsyth County Georgia  
Water and Sewer Division  
and  
City of Cumming

Prepared by  
Public Works Department  
Engineering Division

May 1987

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## ARTICLE 1

### INTRODUCTION

The purpose of this manual is to provide design criteria, material specifications, and installation procedures for water mains, valves, fire hydrants and water services for Forsyth County (and City of Cumming), Georgia. The manual is divided into three main sections covering design, material, and construction. Other sections provide standard construction drawings, and a listing of common abbreviations.

When this manual imposes more restrictive standards than are required by any statute, ordinance or regulation applicable within Forsyth County, Georgia, the requirements of this manual shall govern. When the provisions of any other statute, ordinance, or regulation require more restrictive standards than required by this manual, the provisions of the more restrictive regulation shall apply.

ARTICLE 2

ABBREVIATIONS

- ANSI - American National Standards Institute
- AREA - American Railway Engineering Association
- ASTM - American Society of Testing Materials
- AWWA - American Water Works Association
- UL - Underwriter's Laboratories, Inc.
- ASSHTO - American Association of State Highway & Transportation Officials
- OSHA - Occupational Safety and Health Administration
- DOT - Department of Transportation
- PPM - Parts per Million
- PVC - Polyvinyl Chloride
- MJ - Mechanical Joint
- DIP - Ductile Iron Pipe
- PSI - Pounds per Square Inch
- GPM - Gallons per Minute
- SJ - Slip Joint
- FCWS - Forsyth County Water System

ARTICLE 3  
DESIGN CRITERIA

WATER MAIN SIZE

The size of water mains within Forsyth County shall be determined by the type development being served and the quantity of water necessary for fire protection. The minimum water flow necessary for fire protection for the various types of development are shown in Table 3-1:

TABLE 3-1

MINIMUM WATER FLOW FOR FIRE PROTECTION

Residential (less than 100 lots)	600 GPM (test for 20 minutes)
Residential	750 GPM (test for 20 minutes)
Multi-Family	1000 GPM (test for 20 minutes)
Shopping Centers	1500 GPM (test for 30 minutes)
Motels, Light Industry	1500 GPM (test for 30 minutes)
Heavy Industry	1500 GPM (test for 45 minutes)
Target Hazards or Target Properties	(case by case basis) - (refer to Fire Marshal)

A minimum residual pressure of 20 psi shall be used when determining water main sizes. Water mains under six (6) inches are not allowed.

Water mains shall be looped whenever possible. When water mains cannot be looped, the maximum allowable length of one-way feed water mains shall be as shown in Table 3-2: If pressure and flow data and engineering calculations are not furnished, the following table shall apply.

TABLE 3-2

MAXIMUM LENGTH OF ONE-WAY-FEED MAINS

<u>Water Main Size</u>	<u>Maximum Length of One-Way-Feed</u>
6 Inch	700 Feet
8 Inch	1100 Feet
10 Inch	2000 Feet
12 Inch	3000 Feet (or longer)

## WATER MAIN LOCATION

### Within Georgia Department of Transportation Right-of-Way:

When water mains or services are to be located within Georgia D.O.T. right-of-way, an approved permit which meets the requirements of the Georgia D.O.T. shall be obtained prior to installation.

### Along County Roads:

When water mains are to be located along existing County roads, the location shall be located as far off the edge of roadways as practicable.

When water mains are to be located along new streets, they shall be located a minimum of three (3) feet behind the back of curb.

### At Existing Culverts and Streams:

Water mains shall be deflected around all existing cross drains and headwalls. When the water main crosses a stream, a minimum of three (3) feet cover shall be provided. Water mains shall not be placed over existing cross drains unless approved by the Water Superintendent or his designated representative. When water mains are placed over cross drains, a minimum of two (2) joints of ductile iron pipe shall be used.

### Water Main Cover:

Water mains six (6) inches through ten (10) inches in size shall be provided with a minimum of three (3) feet cover. Twelve (12) inch water mains and larger shall be provided with a minimum of four (4) feet cover. In rock cuts, a minimum of six (6) inches earth cushion below and along side of the mains shall be provided.

## ROADWAY CROSSINGS

### County Roads Under Control of Georgia Department of Transportation:

When water mains are to cross roads under the control of the Georgia D.O.T., an approved permit which meets the requirements of the Georgia D.O.T. shall be obtained prior to installation.

Paved Streets:

Water mains crossing existing paved county roads or streets shall be installed in steel casing. The size casing for various size water mains is shown in Table 3-3:

TABLE 3-3

SIZING OF STEEL CASING

<u>Water Main Size</u>	<u>Steel Casing Size</u>
6 Inch	14 Inch
8 Inch	16 Inch
10 Inch	18 Inch
12 Inch	20 Inch

The open cutting of any paved street within the County will not be allowed unless approved by the County.

Unpaved Streets:

Water mains crossing existing unpaved streets can be installed by the open-cut method.

FIRE HYDRANT SPACING

The distance between fire hydrants shall be such that a maximum hose lay of 500 feet will reach all portions of the buildings which are to be serviced. Hydrant spacing requirements for various types of development are listed in Table 3-4:

TABLE 3-4  
FIRE HYDRANT SPACING

<u>Type Development</u>	<u>Distance Between Hydrants</u>
Residential	1000 Feet
Multi-Family	500 Feet
Shopping Centers	300 Feet
Motels, Light Industry	400 Feet
Heavy Industry	300 Feet

WATER VALVE SPACING

The type valve compared to water main size is shown below:

TABLE 3-5  
WATER VALVE TYPE PER WATER MAIN SIZE

<u>Water Main Size</u>	<u>Water Valve Type</u>
6-8-10 Inch	Gate Valve
12 Inch and larger	Butterfly Valve

Valves shall be located such that minimal sections of the water distribution system would be taken out of service during repair work.

When a water line branches off from the main, a valve shall be placed at the branch of the tee.

Valves shall be placed a minimum of every 2000 feet along any main or trunk line. See Drawing No. 1 for guidance in placing valves in subdivisions.

On a one-way-feed water main, which has branch lines from the main, a main line valve shall be placed at each tee. The valve shall be placed on the run of the tee which is furthest from the water supply source.

When a water main is looped, a valve shall be placed on each run and branch of all tees.

A valve shall be placed at the dead end of each water main.

Refer to the Standard Drawings for typical valve placement details.  
(Drawings No. 1, 2 & 3)

#### LOCATION OF WATER SERVICES

Water service lines for residential areas shall be a minimum of three-fourths (3/4) inch in size. Water meters for residential areas shall be a minimum of three fourths (3/4) inch.

Required water service sizes and water meter sizes for businesses and other commercial establishments shall be as required by Forsyth County.

Service connections to the main line shall incorporate double strap tapping saddles, direct taps to the water main will not be allowed.

Water service lines which cross paved streets shall not be installed by open cut. All water service lines shall be installed by boring under all paved streets. Steel casings are not required for bored service lines. Long side service shall be cased in subdivisions.

Water service lines can be installed by the open cut method across unpaved roadways.

A minimum of three (3) foot cover shall be provided for bored water service lines. The minimum cover at the water meter box shall be eighteen (18) inches.

Water meters and boxes shall be installed at the right-of-way line of the roadway.

Refer to the Standard Drawings for typical water service details. (Drawing No. 4)



ARTICLE 4

MATERIAL SPECIFICATION

MATERIALS AND WORKMANSHIP

Furnish materials which are new, and unused, or if not particularized herein which are the best of their respective kind, free of defects and imperfections, and suitable for the service intended.

Provide workmanship which is first class in every respect. Have installation performed by workmen thoroughly experienced in such work. A neat and workman-like appearance in the finished work will be required.

WATER MAINS

All ductile iron pipe shall conform to the latest requirements of AWWA C151. Ductile iron pipe material shall have a minimum tensile strength of 60,000 psi, a minimum yield strength of 42,000 psi, and a minimum elongation of 10 percent.

All polynvinyl chloride (PVC) pipe shall meet the latest requirements of AWWA C900. PVC 1120 pressure pipe shall be made from Class 12454-A or Class 12454-B material conforming to ASTM D1784.

Required pipe material for various size water mains are listed in Table 4-1:

TABLE 4-1

PIPE CLASSIFICATION

<u>ELEVATION</u>	<u>6 INCH</u>	<u>8-10 &amp; 12 INCH</u>	<u>16 INCH</u>
1100 & above	Ductile Iron-Class 50 PVC-DR 18 (Class 150)	Ductile Iron-Class 50 PVC-DR 18 (Class 150)	Ductile Iron-Class 50
850 & above	Ductile Iron-Class 50 PVC-DR 14 (Class 200)	Ductile Iron-Class 50 PVC-DR 14 (Class 200)	Ductile Iron-Class 50

When PVC pipe is used for water mains, detectable metalized tape shall be used. The tape shall be installed no greater than one (1) foot below the surface of the natural ground. Detectable tape shall be two (2) inches wide, bright color, with appropriate marking such as "Caution-Line Below".

Joints:

Joints for ductile iron pipe shall be mechanical joint or pushon joint in accordance with AWWA C111 (latest revision).

All joints for PVC pipe shall be made with elastomeric gaskets. Bell end pipe using elastomeric gaskets shall meet the requirements of ASTM D2122. Elastomeric gasket couplings shall meet the requirements of AWWA C900 (latest revision).

Coating:

Ductile iron pipe shall be lined with an approved cement lining sealed with an approved bituminous seal coat in accordance with AWWA C104 (latest revision). A standard pipe outside coating shall be used in accordance with AWWA C108 (latest revision).

Casing Pipe:

Jacked Casing pipe shall be a smooth steel pipe with a minimum wall thickness of 1/4 inch and a minimum tensile strength of 35,000 psi, or as approved by D.O.T.

SERVICE LINES

Three-fourths (3/4) and one (1) inch water service lines shall be high molecular weight polyethylene thermoplastic tubing and shall conform to the latest requirements of AWWA C901. Tubing shall be designated PE3306 or PE3406 SDR9, marked with NSF approval and have a minimum working pressure of 160 psi. Tubing shall be manufactured in accordance with ASTM D2737 and ASTM D1248. Plastic service lines shall have outside dimensions conforming to copper tubing.

Two (2) inch water service lines shall be high molecular weight polyethylene thermoplastic pipe, and shall conform to the latest requirements of AWWA C901. Pipe shall be designated PE 3306 or PE 3406 SDR7, marked with NSF approval and have a minimum working pressure of 160 psi. Pipe shall be manufactured in accordance with ASTM D2239 and ASTM D1248. Two (2) inch plastic service pipe shall have an outside diameter of 2.375 inches.

## FITTINGS

### Cast Iron and Ductile Iron Fittings:

Cast and ductile iron fittings for 6, 8, 10, and 12 inch pipe shall conform with ASA 21.10 and AWWA C110 latest revision. Fittings shall have minimum classification of Class 250 type of joints and fittings shall be mechanical joints only. All mechanical joint fittings shall include accessories. All fittings shall be cement lined with tar coated outside.

### Plastic Fittings:

Plastic fittings for 6, 8, 10, and 12 inch pipe will not be allowed.

## VALVES

### Gate Valves:

Gate valves are required for all 2, 6, 8, and 10 inch water mains.

Two (2) inch gate valves shall be of the best quality, bronze body, bronze body mounted, solid wedge type with non-rising stems.

Gate valves for 6, 8, and 10 inch water mains shall conform to the latest requirements of AWWA C500. Gate valves shall be designed for 200 psi working pressure and 400 psi hydrostatic test pressure. Gate valves will be of the iron body, bronze mounted, double disc, parallel seat type and shall have a non-rising bronze stem, and shall be wrench operated. All valves shall open by turning counterclockwise. Operating nuts shall be standard two (2) inches square. Where required, suitable extension stem guides shall be provided. Gate valves will be furnished with mechanical joint ends. Valves shall be Mueller, U.S., or M. and H., AWWA gate valves or equal.

### Butterfly Valves:

Butterfly valves will be required for water mains twelve (12) inches and larger in size. Butterfly valves shall have a cast iron valve body for buried service, of the stainless steel - to rubber seated, tight closing type, suitable for two way flow, Class 150B; with manual operators sized for actual line pressure and velocities, and shall have two (2) inch square operating nut and extension stems and guides as required. The valves shall open in the counterclockwise direction as with the gate valves. Butterfly valves shall comply with the latest requirements of AWWA C504. Butterfly valves shall be Henry Platt, BIF, Allis Chalmers, AWWA or equal.

### Tapping Valves:

Tapping sleeves shall be properly sized to fit the existing pipe and shall be of the split sleeve type with ends suitable for connection into the pipe line into which it will be installed. The valves furnished with the sleeves shall conform to the requirements for gate valves, except for modifications required to permit the use of full size cutters through the valves. The outlet of the valves shall be mechanical joint for joining with the water mains.

### Valve Markers:

Valve markers shall be furnished and installed with each valve installed, with exception of fire hydrant valves. The markers shall be of Class A concrete D.O.T. (highway specifications) four (4) inches square by five (5) feet long, same construction as that of highway right-of-way marker, with the letter "V" firmly made into the marker six (6) inches below the top with a 1-1/4 inch brass plug one (1) inch below the letter "V" which shall be imprinted with the distance between the valve and marker. The markers shall be set opposite the valves in such a location as they would not be destroyed by traffic. The top of the marker should be set about eighteen (18) inches above ground.

### Valve Boxes:

Valve boxes and covers shall be provided with all valves, shall be of the adjustable slide type, of the length required, and installed as shown on the Standard Drawings. The shaft will be 5-1/2 inch diameter with the base to be a minimum of 8-3/4 inch diameter by nine (9) inch height inside. The covers for valve boxes shall be of the stay-put or drop type, with the word "Water" cast on top in raised letters. Base size and extension piece shall be as required for each individual size of valve and depth.

### FIRE HYDRANTS:

Fire hydrants shall conform to the latest requirements of AWWA C502, be the traffic type, dry top, 5-1/4 inch valve opening with O-ring seals, three-way only. The three-way hydrants are to have two 2-1/2 inch NST hose nozzles and one 4-1/2 inch NST hose nozzle. The main valve shall be rubber faced, shall seat against a bronze seat and shall open against pressure. Hydrants shall range from three (3) foot to five (5) foot bury with six (6) inch mechanical joint inlet connection. Operating nuts shall be pentagon (1-1/2 inch point to flat) and shall open by turning counterclockwise. All fire hydrant laterals shall have six (6) inch gate valves and valves boxes. Fire hydrants shall be manufactured by Mueller or M & H.

FIRE HYDRANTS (Continued)

All fire hydrants shall be painted in accordance with AWWA C502, Section 2.22 and Section 4.5. The color shall be silver and red, (red with a silver top). Use Sanders Paint, Product No. A400 Aluminum. Metal Bright or equal.

All fire hydrants shall be connected to the water main with a six (6) inch ductile iron lead. PVC pipe will not be allowed for fire hydrant leads.

TAPPING SADDLES

All service connections to the water main shall use double strap tapping saddles. The saddles shall be Ford Style 202, Smith Blair Type 313 Rockwell or equal. Rockwell double strap tapping saddle is the preferred type. For 6" - Model No. 3130807-00, for 8" - Model No. 3134109-00, for 10" - Model No. \_\_\_\_\_, for 12" - Model No. 313143209-00, for 16" - Model No. 31318809-00.

TABLE 4-2

PIPE COUPLINGS

Water Line Size	Outside Diameter	COUPLING		
		Bolted	Transition	Repair
3/4"	0.875 Copper tube size	Smith Blair 413	-----	Dresser 88
1"	1.125 Copper tube size	Smith Blair 413	-----	Dresser 88
2"	2.375 Plastic pipe size	Smith Blair 431	Smith Blair 413	Dresser 360
6"	6.90 Ductile iron pipe size	Dresser 38	Dresser 162	Dresser 360
8"	9.05 Ductile iron pipe size	Dresser 38	Dresser 162	Dresser 360
10"	11.10 Ductile iron pipe size	Dresser 38	Dresser 162	Dresser 360
12"	13.20 Ductile iron pipe size	Dresser 38	Dresser 162	Dresser 360

## BRASS FITTINGS:

### Curb Stops:

Curb stops for copper service lines shall be Mueller or approved equal in Ford.

Curb stops for polyethylene service lines shall be Mueller or approved equal in Ford.

### Corporation Stops:

Corporation stops for copper service outlets shall be Mueller or approved equal in Ford.

Corporation stops for polyethylene service line pipe outlets shall be Hays S200 AF or equal to Mueller 110 Compression Connection to fit iron pipe size polyethylene.

### Adapters:

Copper female iron pipe adapters shall be Hays 5600 CF or approved equal in Mueller.

Copper by copper unions shall be Hays 5615 CF or approved equal in Mueller.

Copper by male iron pipe adapters shall be Hays 5605 CF or equal in Mueller.

Male iron pipe by polyethylene service line pipe adapters shall be Hays 5605 AF or equal Mueller 110 Compression Connection for iron pipe size polyethylene.

Polyethylene service line pipe unions shall be Hays 5615 AF.

## WATER METERS

Water Meters shall be three-fourths (3/4) inch in size, shall measure in gallons, have a cast bronze maincase, and have a magnetic drive hermetically sealed register. The measuring element shall be a rotating disc. Water meters shall meet the latest requirements of AWWA Standard C600 and be cold water meters Rockwell or Badger.

## METER BOXES for 3/4 INCH WATER SERVICE

### Metal:

Meter boxes shall be type "C" water meter box as manufactured by Griffin Foundry and Mfg. Co. in Rome, Georgia. Box shall be of cast iron, oval shape and have minimum inside dimensions of 17 inches by 12 inches and shall be at least 14 inches deep. The box shall have a heavy rim around the top with outside dimensions of 19 inches by 14 inches. Lids shall fit snugly and have a lifting device in the center. Lids shall be banded together with a steel strapping and painted with black asphaltum paint before shipping. The combined weight of the box and lid shall be not less than 75 lbs.

The lid shall be of cast iron and shall be designed to rest firmly on the seat inside the box and over-hang to prevent dirt from falling into the seat. The lid shall be easily removed and replaced. When surrounded by asphalt or Concrete, boxes shall be metal.

### Plastic:

The box shall be made from reinforced plastic material having the following minimum physical properties by the latest requirements of the following ASTM test methods.

	<u>METHOD</u>	<u>VALUE</u>
Tensile Strength (2.0"min)	D-638	3,400 psi
Impact Strength Load	D-256	1.5 ft.lb/in
Shore-D Hardness	D-676	63
Deflection Tem. @ 66 psi stress	D-648	230CF
Specific Gravity	D-792	1.15

The size shall be approximately 18-1/2 inches long, 13-1/4 inches wide and 15 inches deep. A cast iron lid or cover shall be used on any plastic boxes installed.

ARTICLE 5  
CONSTRUCTION

EARTH EXCAVATION

Clearing and Grubbing:

Areas for waterline installation must be cleared and grubbed. All trees, stumps, brush, paving and other waste material must be removed from the site. No large trees located within street right-of-way shall be removed without the approval of the City of Cumming. In Forsyth County, trees may be removed as necessary to install water mains.

Care of Surface Materials:

No trees or shrubs will be removed without the approval of the owner and the City of Cumming within the city limits. All trees, shrubs, fences, mail boxes or other personal property damaged or removed, shall be replaced.

Upon completion of the water line installation, all disturbed areas shall be seeded with Kentucky Fescue, fertilized and mulched with hay. All seeding shall be approved.

Excavation Methods:

When excavation is in open cut, the sides of the trench should be sloped or benched as necessary to maintain stability.

When sheeting is used it shall be left in place until the backfilling is completed no less than twelve (12) inches above the top of the pipe. Then, the upper section of the sheeting may be removed. When the removal of sheeting endangers adjoining improvements, it will be left in place.

All water shall be removed from trenches by pumping, bailing or draining. Groundwater encountered in the excavation shall be depressed to an elevation twelve (12) inches below the bottom of the excavation before pipe laying may continue.

Disposal of Material:

All excess material and waste material should be disposed of immediately after the backfill operation has been completed.



Borrow:

When excavated material cannot be used as a suitable backfill, an approved borrow material shall be used.

ROCK EXCAVATION

Blasting:

When blasting is necessary for rock excavation, the explosives must be used, handled, and stored as prescribed by the laws and regulations of the State of Georgia and all local laws applicable, the blasting work must be done by an experienced persons. Any damage occurring to persons or personal property due to blasting will be repaired at the contractors expense.

Disposal:

All rock larger than two (2) inches in diameter must be removed from the site and disposed of in a manner of satisfaction to Forsyth County.

SUBSURFACE OBSTRUCTIONS

It is the responsibility of the contractor to locate and protect all underground utilities and structures. No utility is to be moved or disturbed without the approval of that utility company. Any damage caused by waterline installation to any utility or structure, shall be immediately reported to the County Water Superintendent or City of Cumming , and repaired at the contractors expense.

INTERRUPTION OF WATER SERVICE DURING CONSTRUCTION

No interruption of water service, for connections will be allowed without the permission and supervision of Forsyth County Public Works Department personnel. (Telephone: 887-3055).

PIPELINE INSTALLATION

Trench Excavation:

Trenches shall be excavated to their required depth and width to provide for an efficient and safe working environment.

### Material Handling:

Proper and suitable tools and equipment, for the safe and convenient handling and laying of pipe shall be used, and great care shall be taken to prevent the pipe from being damaged, particularly the cement lining on the interior of the ductile iron pipe. All pipe shall be carefully examined for cracks and other defects, if any pipe or other casting is discovered to be cracked, broken, or defective, after being laid, it shall be removed and replaced with new material. All pipe and fittings shall be thoroughly cleaned before being laid, and shall be kept clean until completion of the work.

### Bedding in Earth Trenches:

Where pipe is laid in earth excavated trenches, the bottom of such trenches shall be fine graded to a true line, the pipe lines shall not be laid on loose rock, or other hard material. Over excavation in the bottom of trenches shall be filled to grade with compacted graded aggregate or suitable earth material.

### Bedding in Rock Trenches:

Where pipe is laid in rock trenches, it must be bedded with a minimum of six (6) inches of compacted graded aggregate. The trench must be backfilled with select backfill material to a level at least one (1) foot over the top of the pipe.

## BACKFILL

### Backfill Under Paved Roadways:

Backfill under permanent concrete or bituminous pavement shall be compacted graded aggregate. Compaction shall be 100% of the dry rodded unit weight in accordance with AASHTO T99. Compaction shall be accomplished by using a hand vibratory compactor.

### Backfill Under Unpaved Roadways:

Backfill under gravel surfaced roadways and surface treated type bituminous roadways shall be backfilled using select material placed in six (6) inch layers thoroughly compacted for the full depth and width of the trench. Compaction shall be to 95% as determined by AASHTO T99. Compaction shall be accomplished by using a hand vibratory compactor.

### Backfill in Unpaved Areas:

Backfill in unpaved areas shall be select material compacted to ninety percent (90%) as determined by AASHTO T99 or compatible with the surrounding area.

The type bedding to be used in water line installation shall be determined by design pressures and depth of cover. For a design pressure of 150 psi and for depths up to 8 feet, Type III bedding shall be used. Refer to the Standard Drawings for typical details. (Drawing No. 5).

### ROAD CROSSINGS

#### Street Cuts:

When open street cuts have been approved by Forsyth County, the following rules must be adhered to:

1. Construction work allowed between 9:00 A.M. and 4:00 P.M. on weekdays only, unless otherwise approved by the Water Superintendent.
2. One lane of traffic must be open at all times.
3. Traffic control devices, as required by D.O.T. must be used to direct traffic.
4. Repair of the street cut shall be in accordance with the Standard Drawing.
5. If an open ditch is left unattended for any length of time, a 3/4" steel plate must be used to cover the ditch.

#### Tunneling:

When tunneling under roadways, the methods used must be in accordance with the rules and regulations of the Georgia Department of Transportation.

#### Boring and Casing:

Waterlines and crossing all paved streets shall be installed by boring and casing unless otherwise approved by the Water Superintendent. The boring and casing methods used must be in accordance with the Georgia Department of Transportation.

## DRIVEWAY CROSSINGS

Water lines may be installed by the open cut method across driveway pavement, or they may be bored under the driveway.

When water lines are installed by the open cut method, smooth even saw cuts shall be made across the paved area before any material is removed. Ripping up pavement without saw cuts using a backhoe will not be allowed.

When water lines are bored under driveways, a minimum of three (3) foot cover is required. Steel casing under driveways is not required.

## REPLACEMENT OF PAVEMENT AND STRUCTURES

### Asphalt Pavement:

Asphalt pavement replacement for water lines installed under paved roadway surfaces shall be type A as detailed in the Standard Drawings. (Drawing No. 5) Base course shall be placed and compacted immediately after backfilling and made level with adjacent existing paving.

Two weeks after the base course is placed the base course shall be removed to a sufficient depth to provide no less than two (2) inches of wearing course level with adjacent grade. A bituminous priming treatment shall be applied to the base course prior to the placing of the two (2) inch type "E" or "F" surface course.

Asphalt pavement replacement for transverse street cuts shall be of type B pavement, as detailed in the Standard Drawings. (Drawing No. 6)

### Gravel Roadway Replacement:

The material used in restoring gravel roadways shall be the same as those which composed the wearing and base courses of the existing roadway. As a minimum roadway material shall be equal to No. 57 crushed stone conforming to the Georgia Department of Transportation, Standard Specification.

### Driveway Replacement:

Concrete driveways shall be constructed to the thickness of the adjoining wearing surface and base course shall be constructed of similar materials and dimensions as the original base course. As a minimum 3,000 psi concrete shall be used as a wearing course, as detailed in the Standard Drawings. (Drawing No. 7)

Asphalt driveways shall be repaired as detailed in the Standard Drawings. (Drawing No. 7)

Gravel driveways shall be restored to their original condition and dimensions using materials similar to those already in place. As a minimum, gravel driveways shall be six (6) inches of No. 57 stone, or Graded Aggregate Base (G.A.B.), conforming to the Georgia Department of Transportation, Standard Specifications as detailed in the Standard Drawings. (Drawing No. 7)

### Curb and Gutter Replacement

All curbs and combination curbs and gutters which have been removed or disturbed in the progress of the work, shall be replaced at the contractors expense. Curbing shall be made to conform accurately in size, line, grade and materials with that adjoining. In restoring curbs, the subsoil and foundation material shall be well compacted so as to prevent any settlement.

All granite curb shall be restored with material equal to that already in place.

All concrete curbing shall have minimum 28 days compressive strength of 2,500 psi.

### Sidewalk Replacement:

All sidewalks disturbed in the process of the work shall be constructed to the same grade, dimensions and materials as were originally in place.

Where necessary to cut a sidewalk, entire slabs or squares shall be removed and replaced.

The subbase shall be thoroughly rolled or tamped and shall be set just before, if necessary, the concrete is placed but shall show no pools of water.

### BLOCKING FOR PRESSURE LINES

Water pipe installed around curves and at all unsupported changes of direction, all tees, wyes, crosses, plugs and other like fittings shall be solidly and properly blocked with concrete against solid earth to take the reaction of the main pressure and to prevent lateral movement of the pipe or fitting when under pressure. Concrete for reaction blocking shall have a minimum compressive strength of 2,000 psi at twenty-eight (28) days. The blocking, unless otherwise shown, shall be so placed that the pipe and fitting joints will be accessible for repair. Refer to the Standard Drawings for typical details. (Drawing No. 9)

## FIRE HYDRANT INSTALLATION

Hydrants shall be set plumb and the hydrant lateral shall have at least 36 inches cover over the pipe. Backfill shall be carefully placed in six (6) inch layers and carefully tamped. Concrete thrust blocks shall be poured at each hydrant tee. The hydrant shall be properly anchored to the hydrant tee by the use of anchoring pipe, harness rods, or by pouring a concrete thrust block at the base of the hydrant. Not less than seven (7) cubic feet of crushed or broken stone shall be placed around the base of the hydrant to insure drainage. The interior of the hydrant shall be thoroughly cleaned of all foreign matter prior to installation. After installation, each hydrant and valve shall be inspected in both opened and closed positions to assure that all parts are in satisfactory working condition. Refer to the Standard Drawings for typical details. (Drawings No. 10 & 11)

## VALVE INSTALLATION

Valve boxes and covers shall be provided with all valves, shall be of the adjustable slide type, of the length required, and installed as detailed in the Standard Drawings. The valve boxes shall be centered over the operating nut of the valve.

The markers shall be set opposite the valves in such a location as they would not be destroyed by traffic. The top of the marker should be set about eighteen (18) inches above ground.

## WATER SERVICE LINE INSTALLATION

Service line installation shall have a minimum cover of eighteen (18) inches. The service line shall be continuous from the water meter to the corporation stop. Refer to typical detail in the Standard Drawings.

## PRESSURE AND LEAKAGE TESTS

### Pressure Test:

After pipe has been laid and backfilled it shall be subjected to a hydrostatic pressure of a minimum of 150 psi for PVC pipe, and ductile iron pipe. The test pressure is based on the elevation of the lowest point in the line or section under test and corrected to the elevation of the test gauge. The duration of each pressure test shall be at least two hours. Before applying the specified test pressure, all air must be expelled from the line. Any cracked or defective pipe, fittings, valves, or hydrants discovered during this pressure test shall be removed and replaced with sound material. The test shall be repeated until satisfactory.

Leakage Test:

The duration of the leakage test shall be two (2) hours and during the test the main or section of the main under test shall be subjected to 150 psi pressure based on the lowest point in the line or section under test and corrected to the elevation of the test gauge. The leakage test shall be performed concurrently with the pressure testing of the water mains.

Leakage is defined as the quantity of water to be supplied into the newly laid pipe, or any valved section thereof, after the air has been expelled and the pipe has been filled with water to the 150 psi test pressure. No pipe installation will be accepted until the leakage is less than the number of gallons per hour as determined by the following table, 5-1.

Allowable leakage is shown in gallons per 1000 feet of pipeline for a 2 hour pressure test at 150 psi.

TABLE 5-1

ALLOWABLE LEAKAGE DURING WATER TEST

<u>Pipe Size</u>	<u>Allowable Leakage per 1000 feet During Test</u>
6	1.1 Gallons
8	1.5 Gallons
10	1.8 Gallons
12	2.2 Gallons

## FLUSHING AND DISINFECTION

All piping complete with fittings and appurtenances shall be flushed until clean and sterilized as specified in AWWA C601 (latest revision) "Disinfecting Water Mains", except that the tablet method, Section 7.3, shall not be allowed. The requirements of this paragraph apply equally to new pipe and fittings and to existing pipe lines into which connection has been made, or which may have been otherwise disturbed to the extent that contamination may have occurred.

Chlorine shall be added and a residual of 50 mg/l shall be maintained in the portion of line to be disinfected for a 24 hour period. After 24 hours, a sample shall be taken and tested at the Gwinnett County Laboratory at the Gwinnett County Lake Lanier Water Treatment Plant, or at a location specified by the Water Superintendent. The results shall be double checked by sending a sample to the State Laboratory. The test shall show a residual chlorine level of at least 25 mg/l,

After a residual of 25 mg/l after 24 hours has been determined, the heavy chlorinated water shall be flushed from the water line. After flushing the chlorine residual shall be less than or equal to 1.0 mg/l.

After the water line has been flushed two samples shall be taken. One sample shall be tested and show a chlorine residual less than or equal to 1.0 mg/l. The other sample shall be tested for bacteriologic quality and show the absence of coliform organisms. If Chlorine residual tests exceed 1.0 mg/l the water line must be flushed until chlorine residual is equal to or less than 1.0 mg/l. The chlorine residual must be 1.0 mg/l or less before samples can be taken and tested for bacteriologic quality.

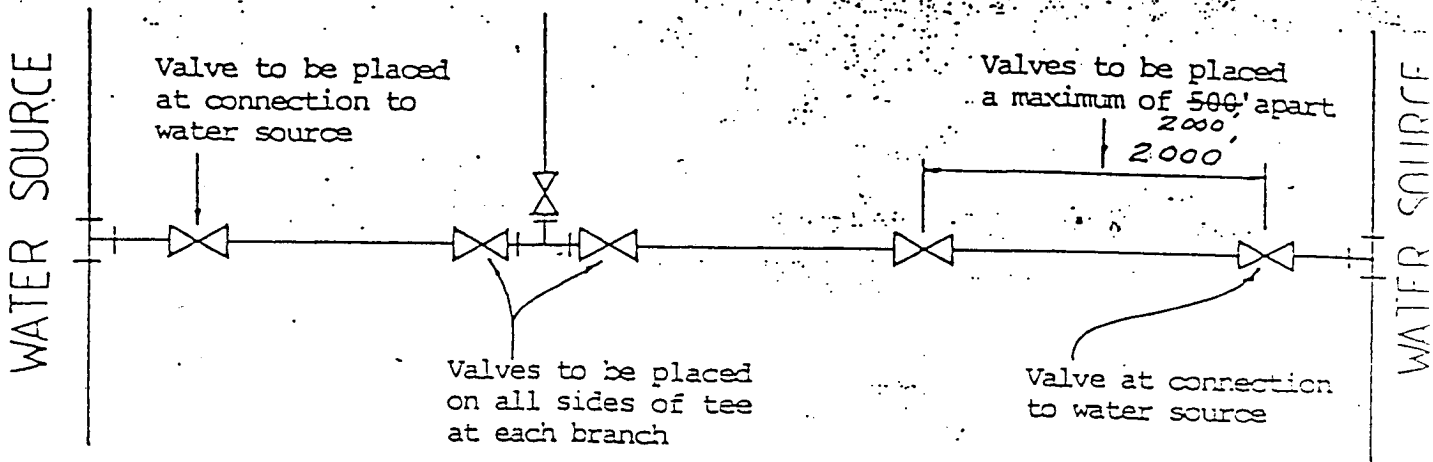
### As Built Drawings and Valve Cards

At the completion of the construction as-built drawings and valve cards shall be furnished.

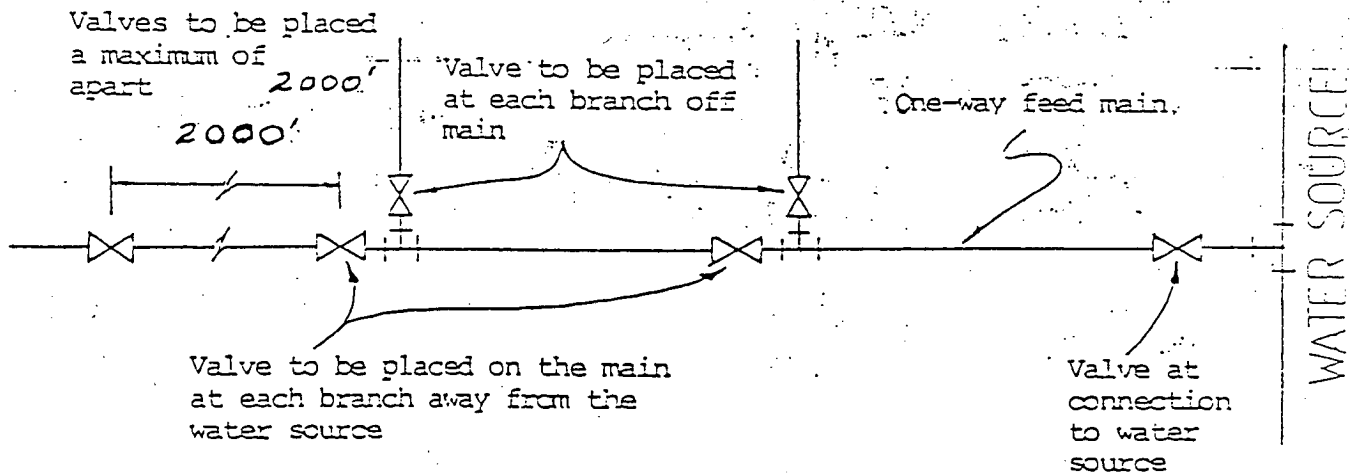


ARTICLE 6

STANDARD DRAWINGS OF TYPICAL DETAILS

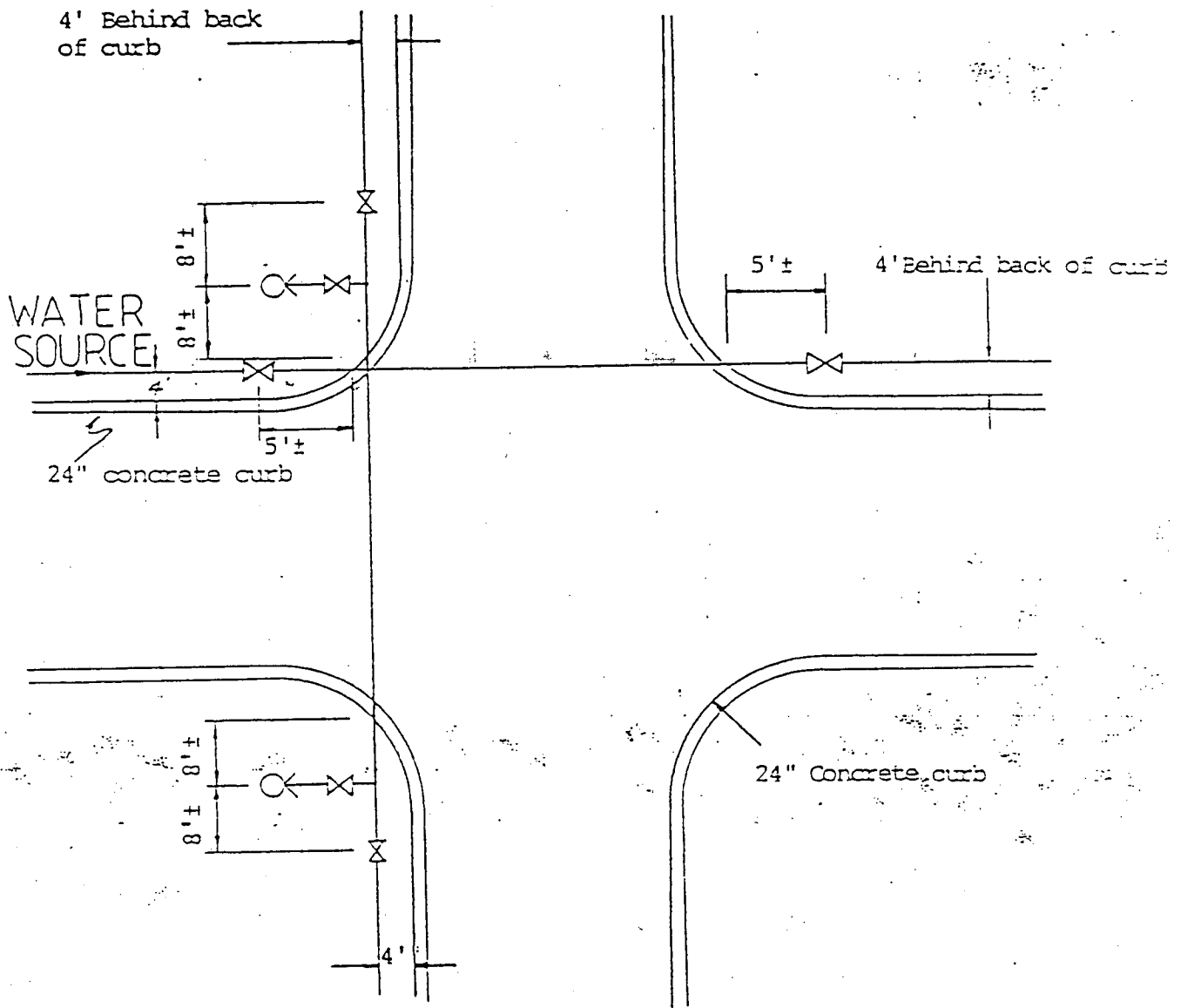


VALVE LOCATION WHEN WATER LINE IS TO BE LOOPED



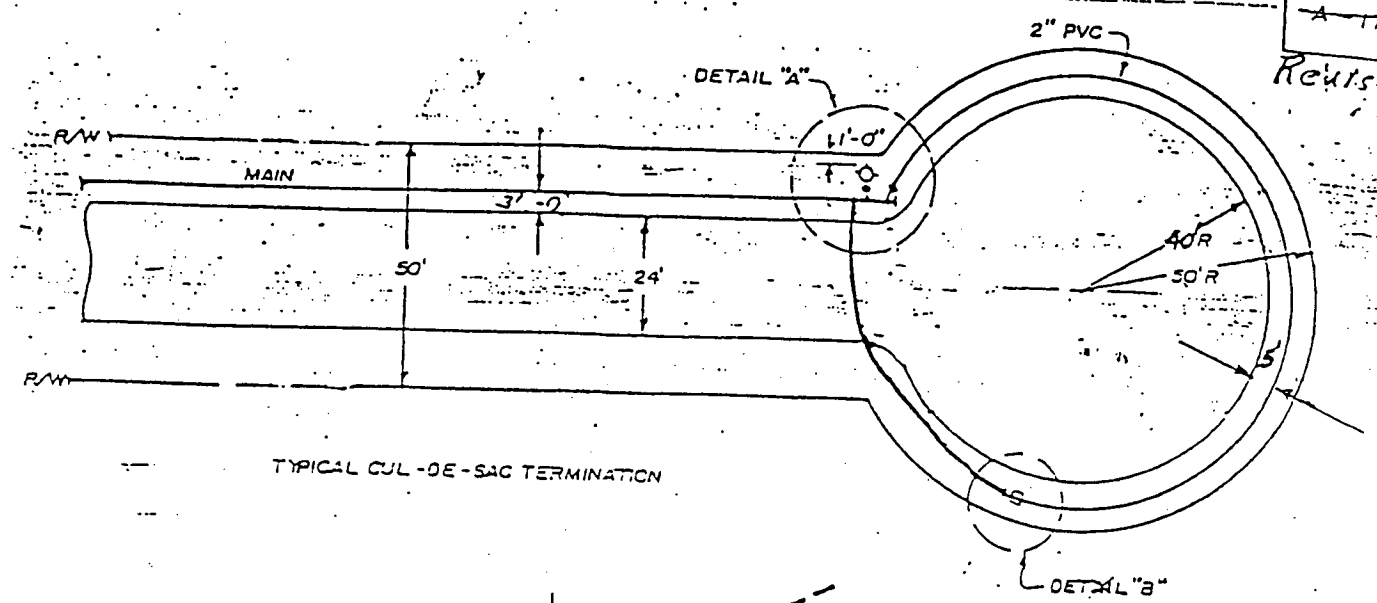
VALVE LOCATION WHEN WATER LINE IS NOT LOOPED

TYPICAL VALVE LOCATION

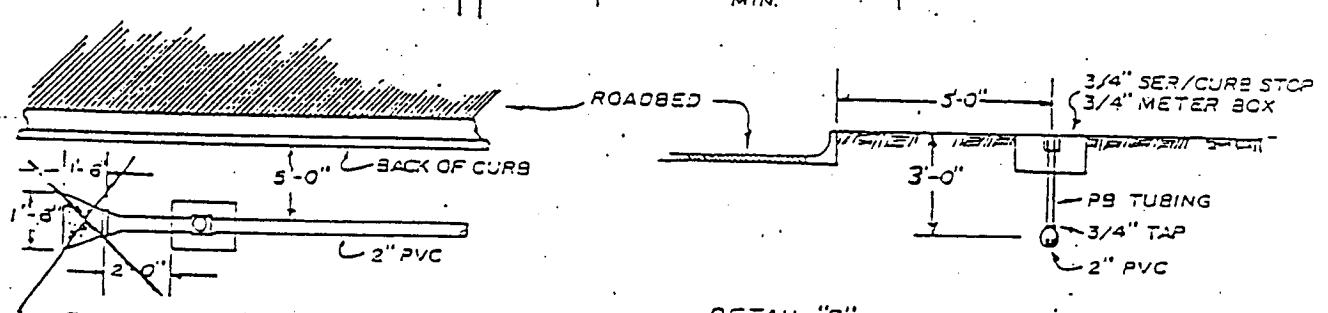
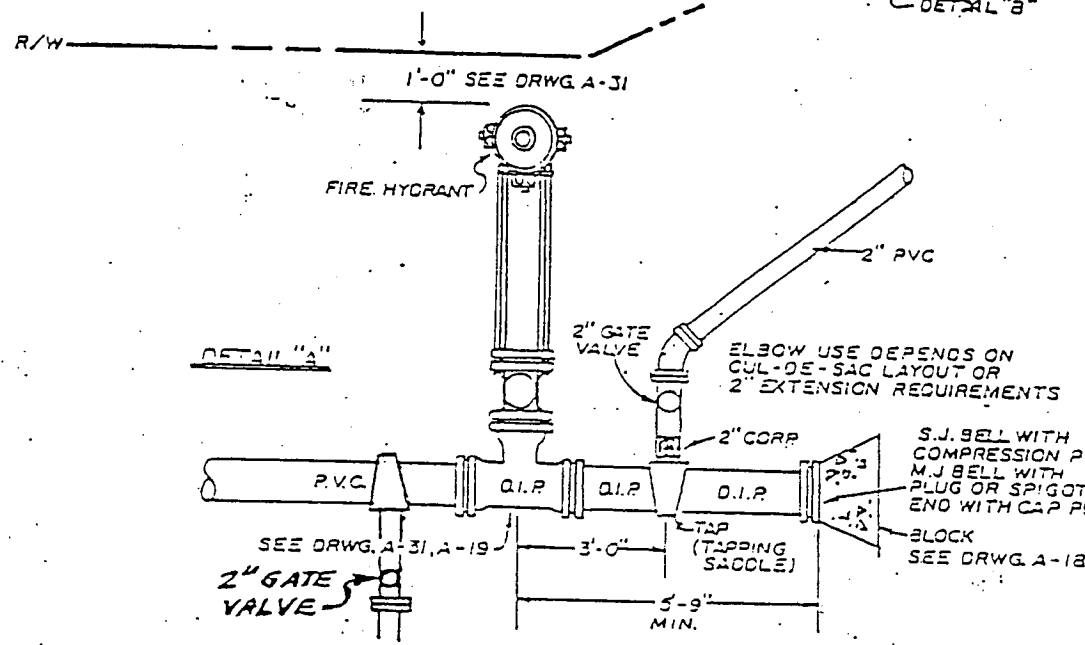


TYPICAL VALVE AND HYDRANT  
LOCATION AT STREET INTERSECTIONS

Revised



TYPICAL CUL-DE-SAC TERMINATION



- NOTES:
1. B.Q. TAP TO BE MADE ON TOP OF MAIN
  2. B.Q. BOX TO BE SET DIRECTLY OVER MAIN.
  3. SPECIFIED 3/4" POLYBUTYLENE TUBING TO BE USED.
  4. SOLVENT WELDED PVC PIPE OR FITTINGS ARE PROHIBITED.

5. Looped line (2" PVC) to be used as shown.

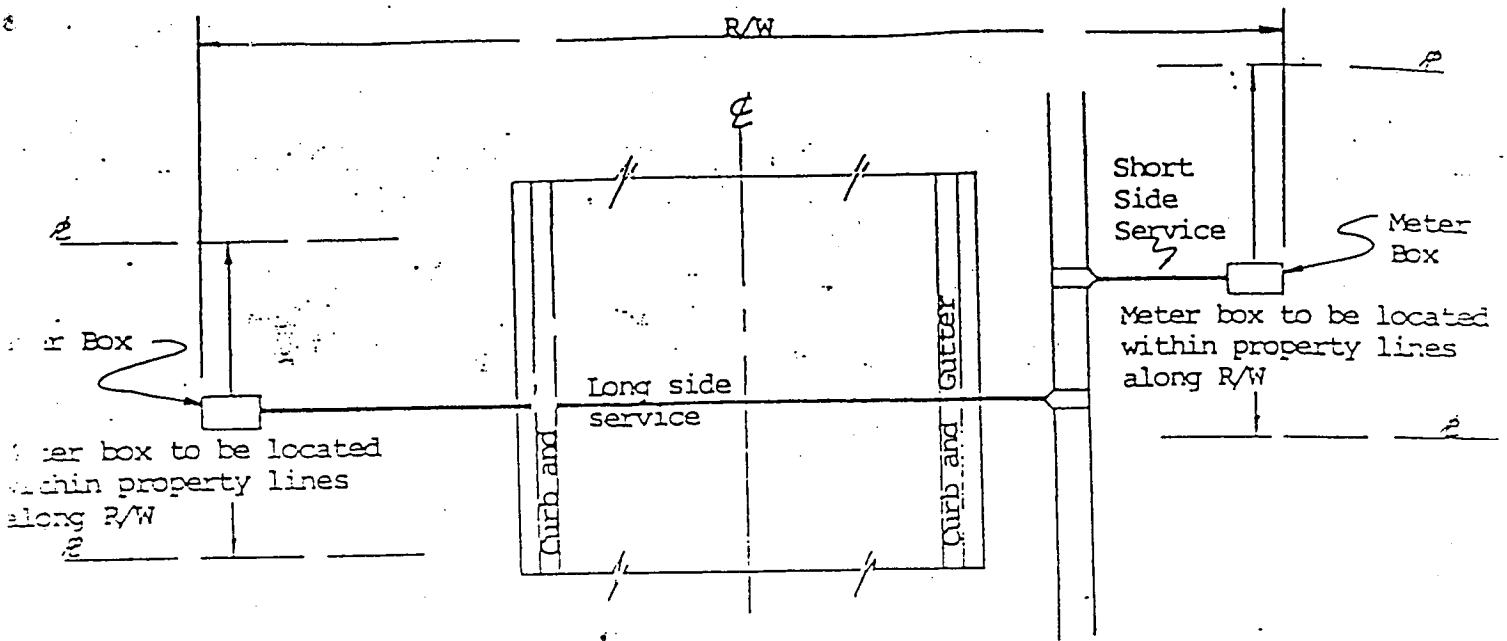
Drawing No. 3

Water System

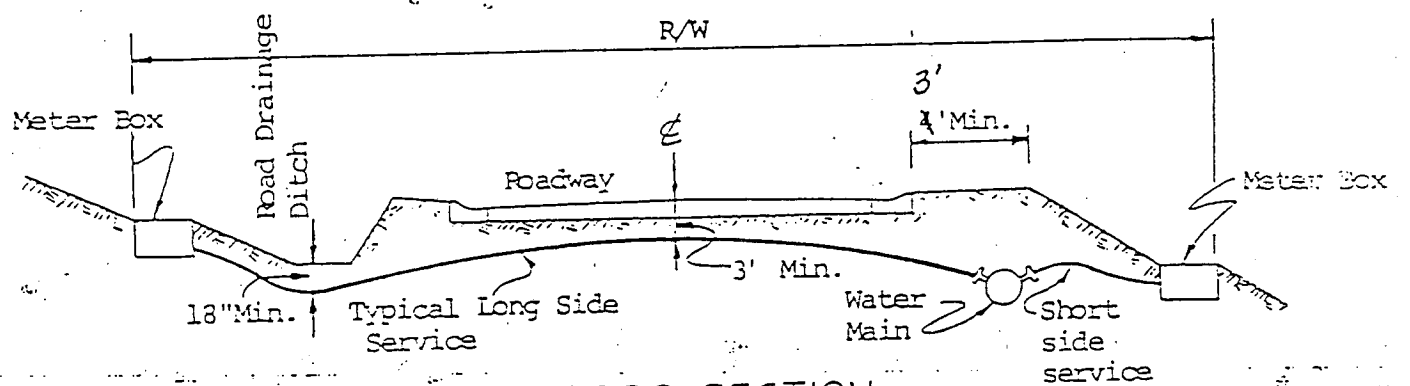
2" MAIN EXTENSION/TERMINATION  
SUBDIVISIONS

RAH 12-31-86

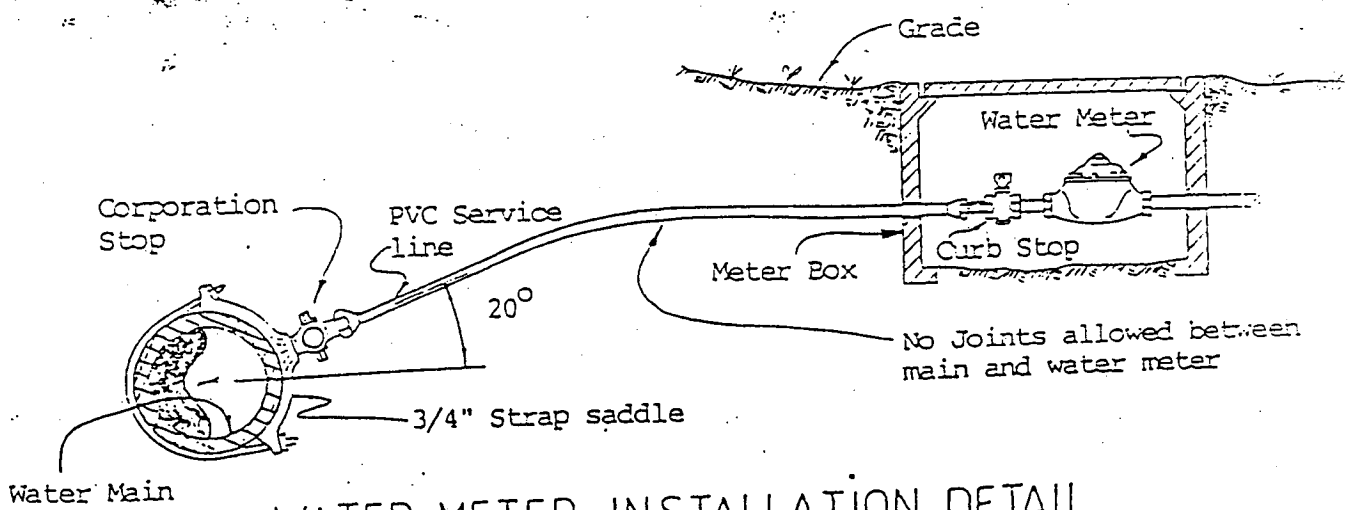
DRN. BY:      DATE:



PLAN

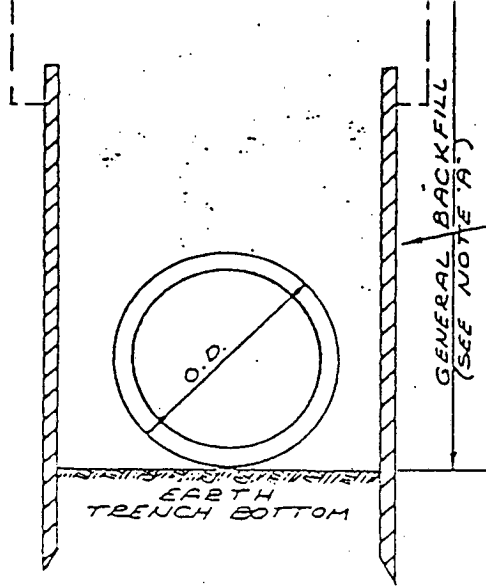


CROSS SECTION



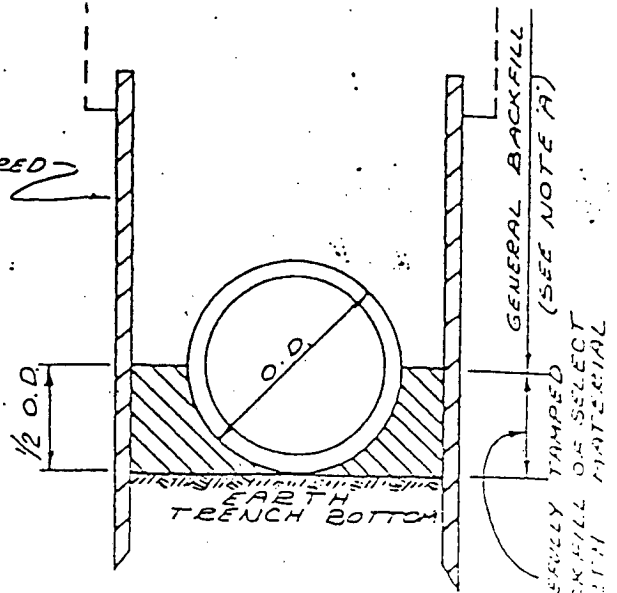
WATER METER INSTALLATION DETAIL

TYPICAL SERVICE LINE  
INSTALLATION



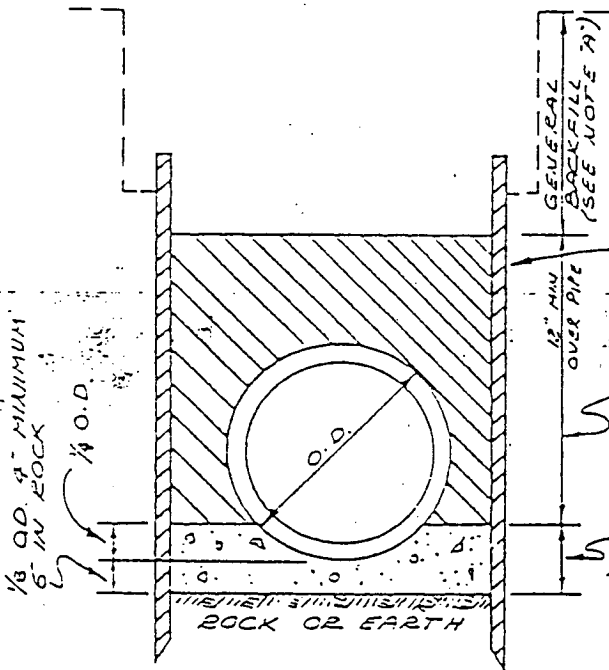
TYPE I BEDDING

SHEETING WHEN REQUIRED



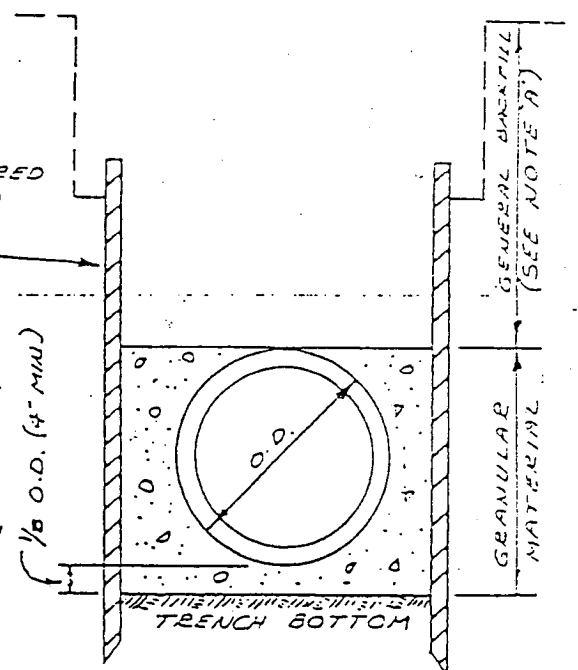
TYPE II BEDDING

CAREFULLY TAMPED OR SELECT BACKFILL OR EARTH MATERIAL



TYPE III BEDDING

SHEETING WHEN REQUIRED

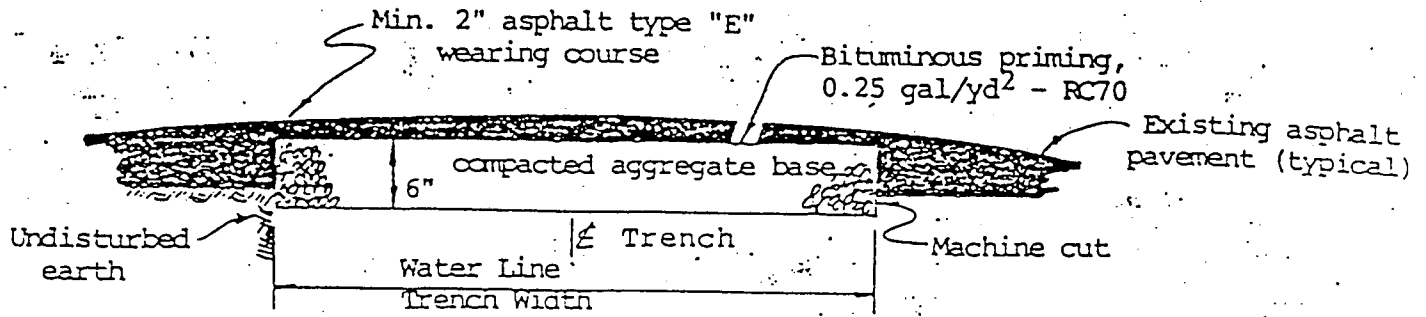


TYPE V BEDDING

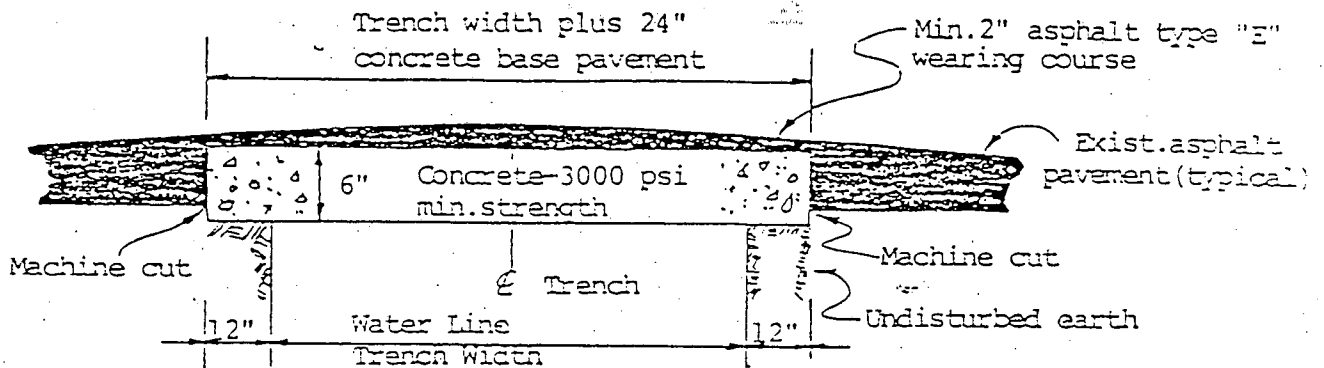
GENERAL BACKFILL (SEE NOTE A)  
GRANULAR MATERIAL

NOTE A.) BACKFILL TO BE PLACED AT 4"-12" LAYERS, AND TAMPED PROPERLY, IN ACCORDANCE WITH AWWA C600 (LATEST REVISION)  
 B.) TYPE III BEDDING EQUALS TYPE III BEDDING EXCEPT GRANULAR MATERIAL WILL BE SUBSTITUTED FOR SELECT BACKFILL BELOW THE PIPE.

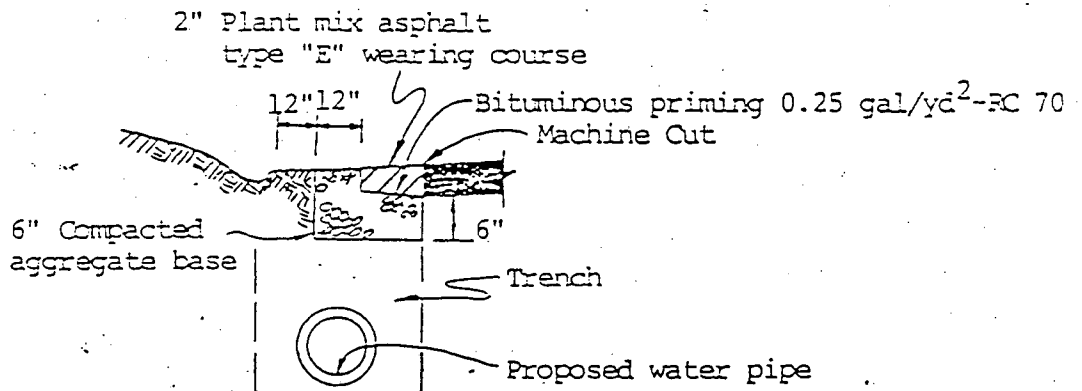
TYPICAL BEDDING DETAILS FOR WATER MAINS



## TYPE "A" PAVEMENT REPLACEMENT

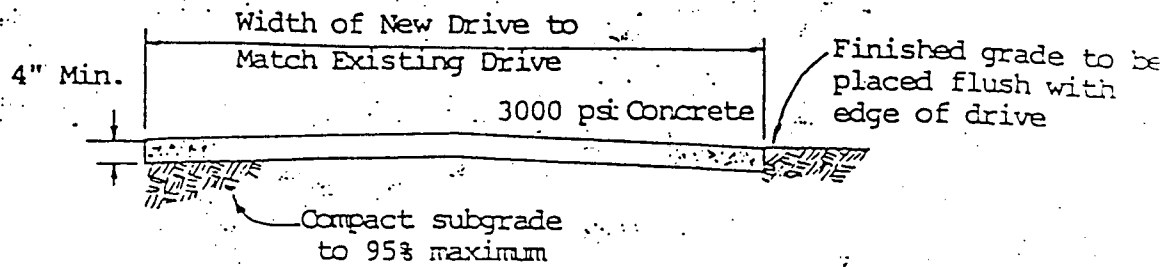


## TYPE "B" PAVEMENT REPLACEMENT

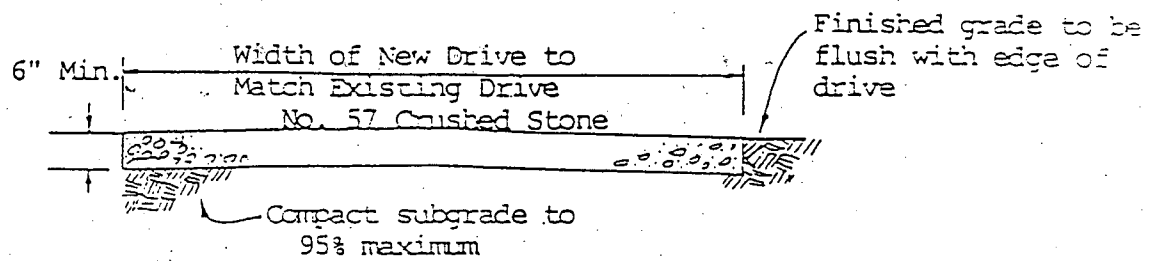


## TYPE "C" PAVEMENT REPLACEMENT (ALONG PAVEMENT EDGE

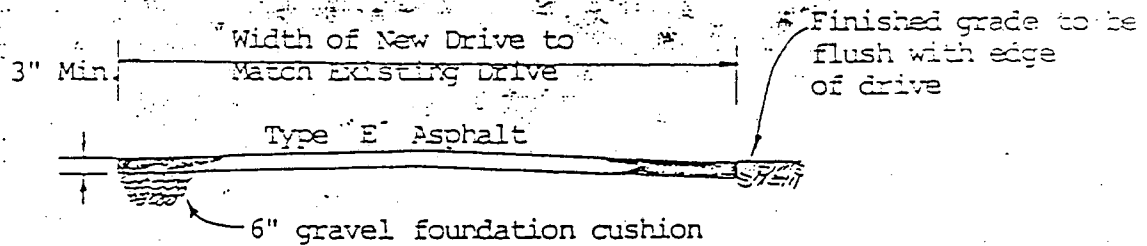
# TYPICAL PAVEMENT REPLACEMENT DETAILS



### CONCRETE DRIVE



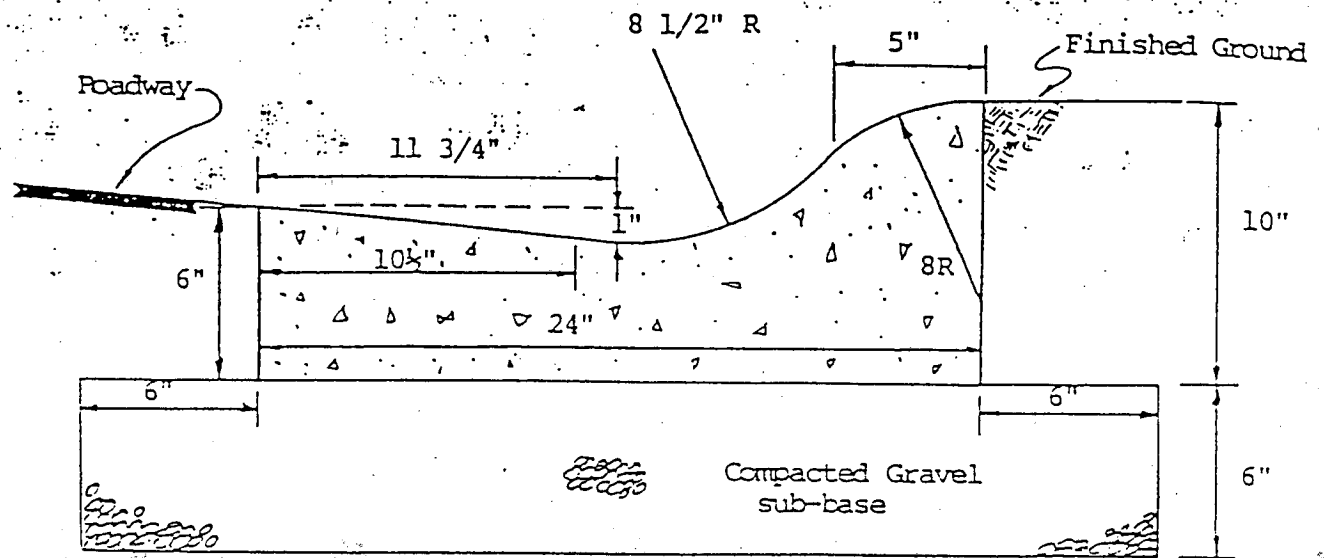
### GRAVEL DRIVE



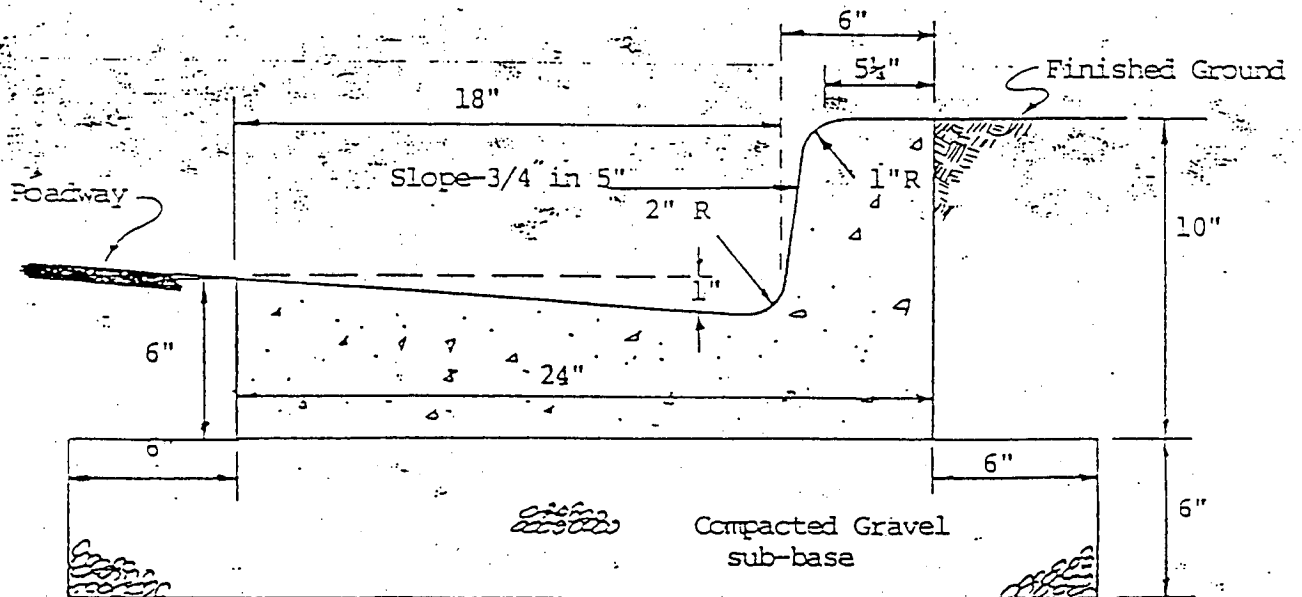
### ASPHALT DRIVE

## SECTIONS OF TYPICAL DRIVEWAY DETAILS



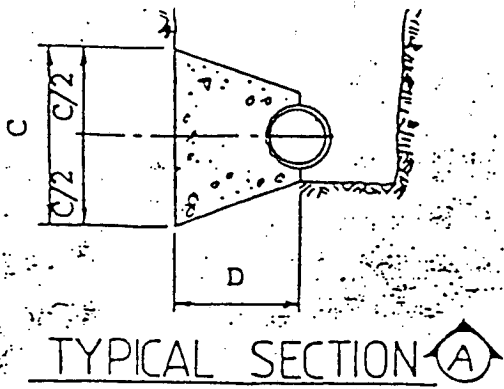


TYPICAL ROLL CURB



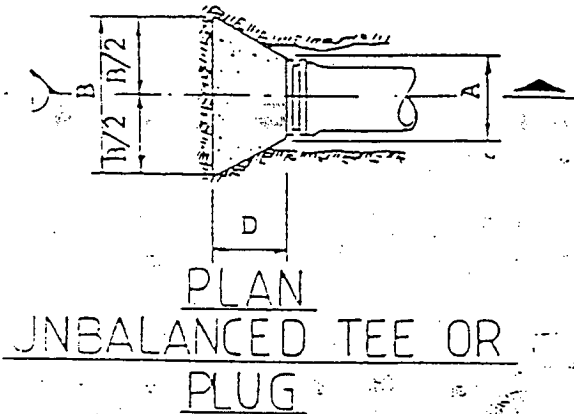
TYPICAL HIGHBACK CURB

TYPICAL CURB & GUTTER  
INSTALLATION DETAILS

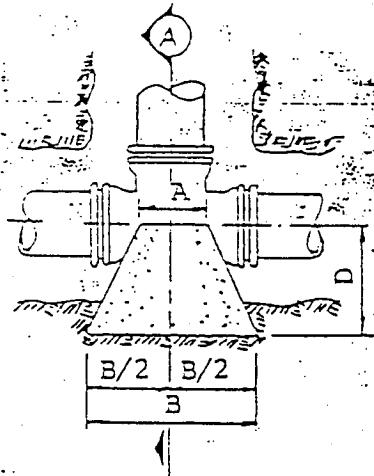


Pipe Size	90°				45°			
	6"	8"	10"	12"	6"	8"	10"	12"
A	11"	12"	15"	16"	11"	12"	15"	15"
B	21"	30"	36"	42"	18"	21"	30"	36"
C	21"	30"	36"	42"	18"	21"	24"	30"
D	18"	21"	24"	27"	12"	15"	21"	24"
Ft <sup>3</sup>	3.3	7.5	12.6	18.8	1.6	2.8	6.4	10.4

Pipe Size	11 1/4°				22 1/2°			
	6"	8"	10"	12"	6"	8"	10"	12"
A	9"	10"	12"	14"	9"	10"	12"	14"
B	12"	12"	15"	18"	15"	18"	21"	24"
C	12"	12"	15"	18"	15"	18"	21"	24"
D	12"	12"	12"	12"	12"	12"	12"	12"
Ft <sup>3</sup>	0.7	0.7	1.2	1.8	1.0	1.6	2.2	3.0

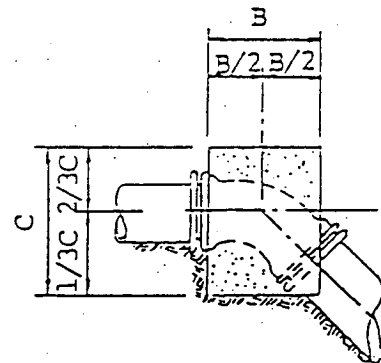
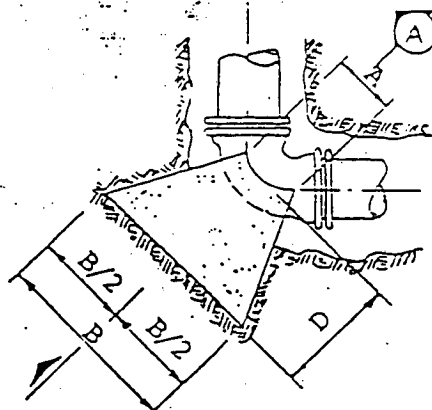


Pipe Size	TEE				PLUG			
	6"	8"	10"	12"	6"	8"	10"	12"
A	11"	12"	15"	15"	14"	16"	18"	20"
B	18"	24"	30"	36"	18"	24"	30"	36"
C	18"	24"	30"	36"	18"	24"	30"	36"
D	15"	18"	18"	24"	12"	12"	12"	15"
Ft <sup>3</sup>	2.0	4.3	6.8	12.5	1.8	3.0	4.8	8.5

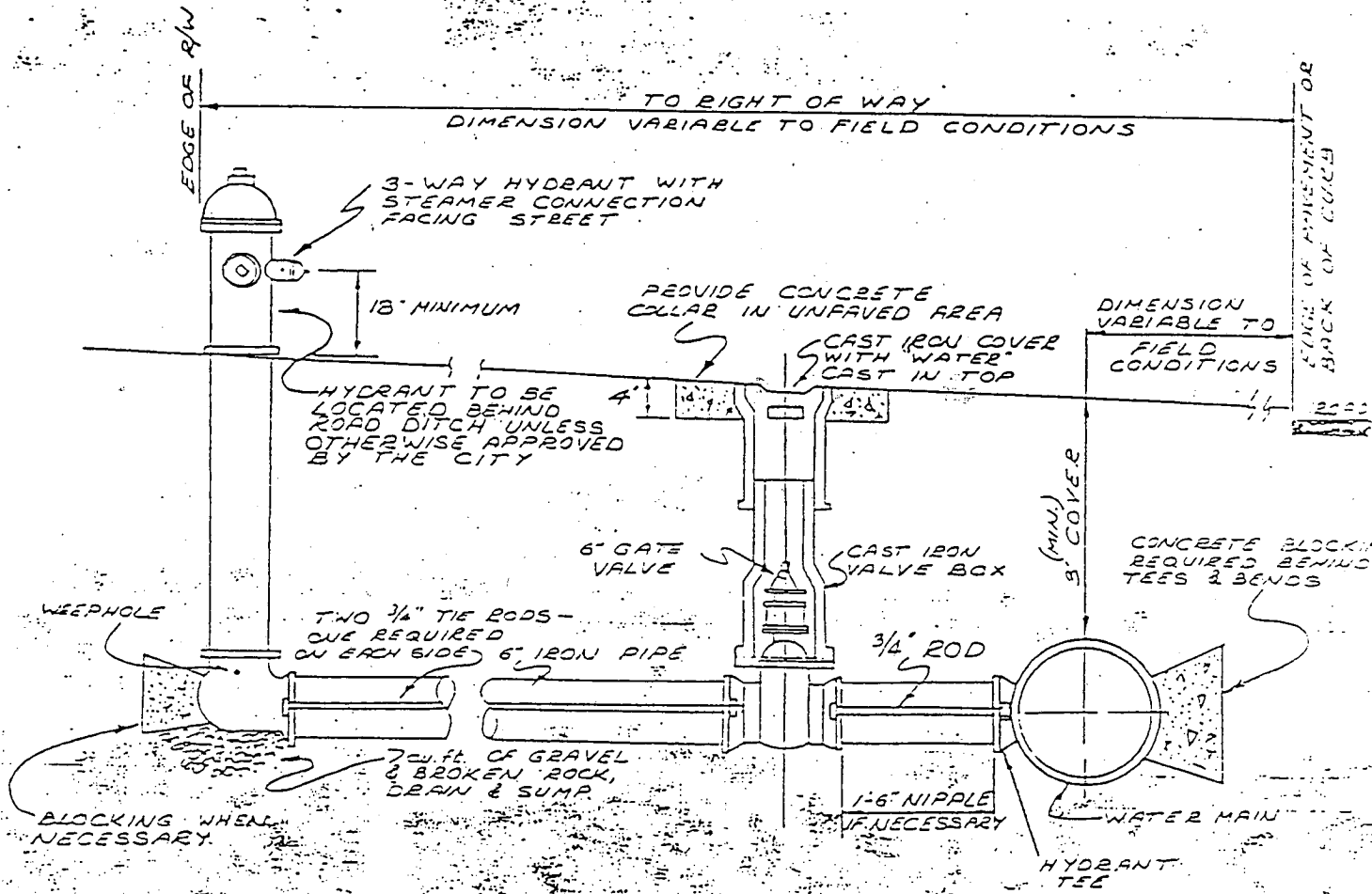


THRUST BLOCK DETAILS

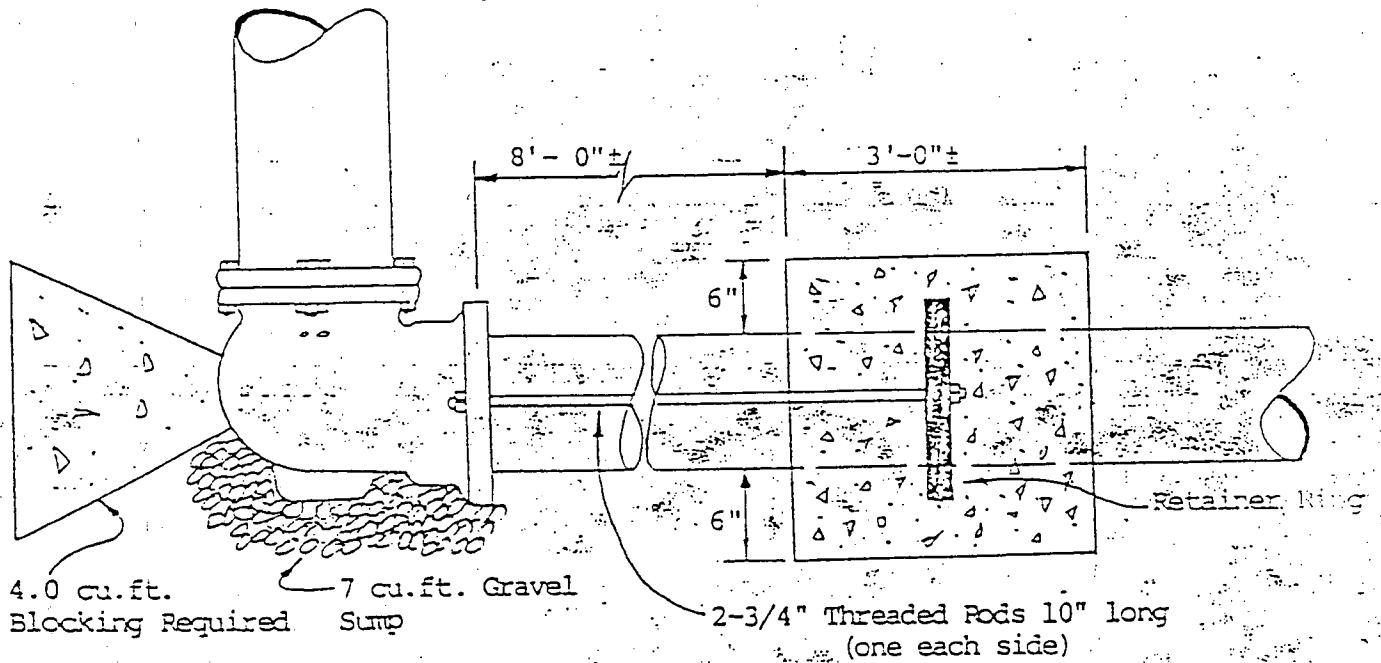
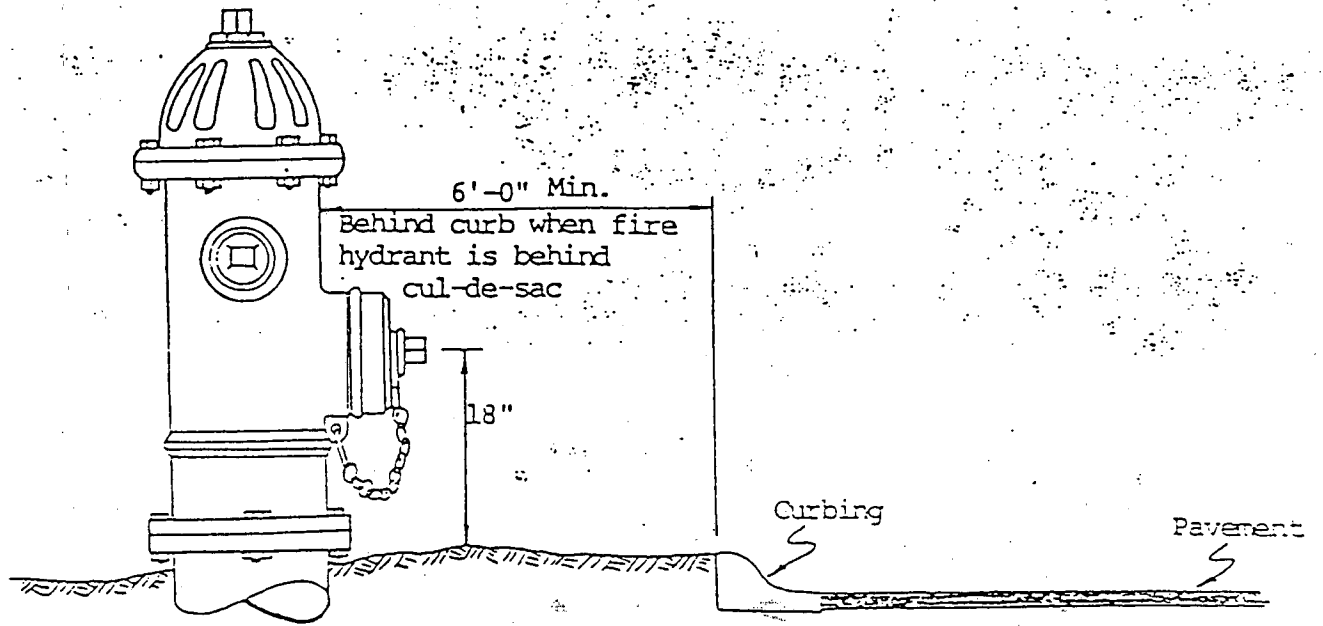
Line Pressure = 150 psi  
 Soil Pressure = 2000 psi  
 Concrete for Block = 2000 psi



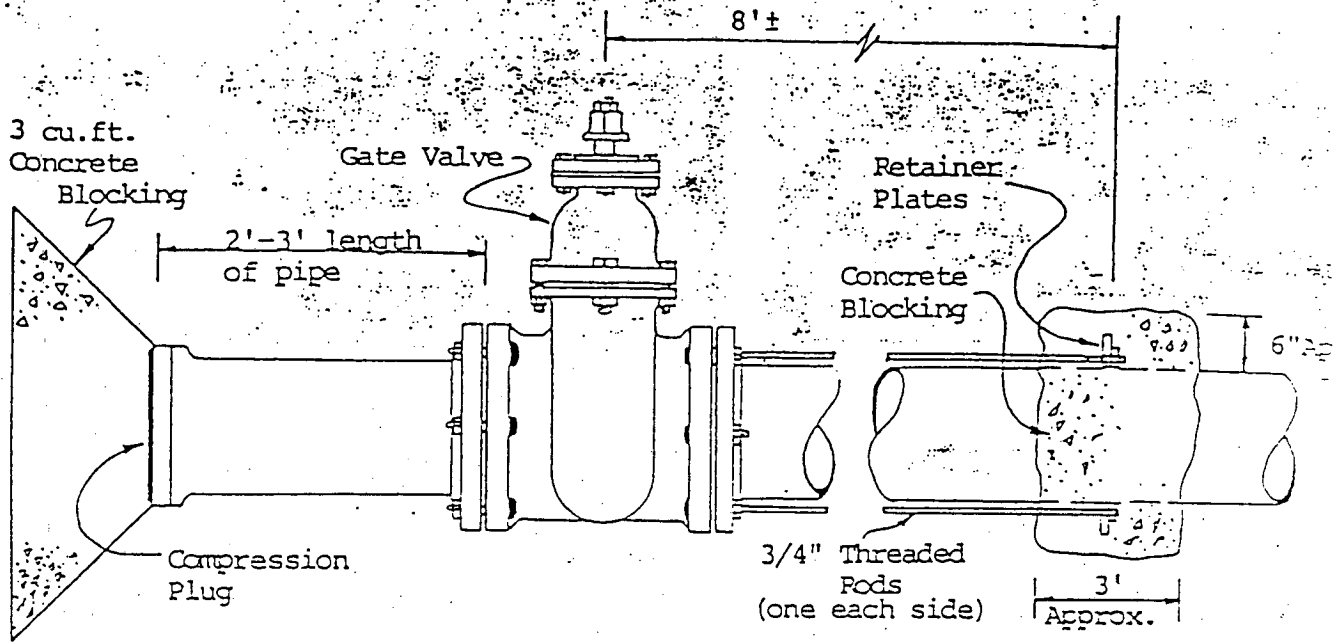
THRUST BLOCK DETAILS



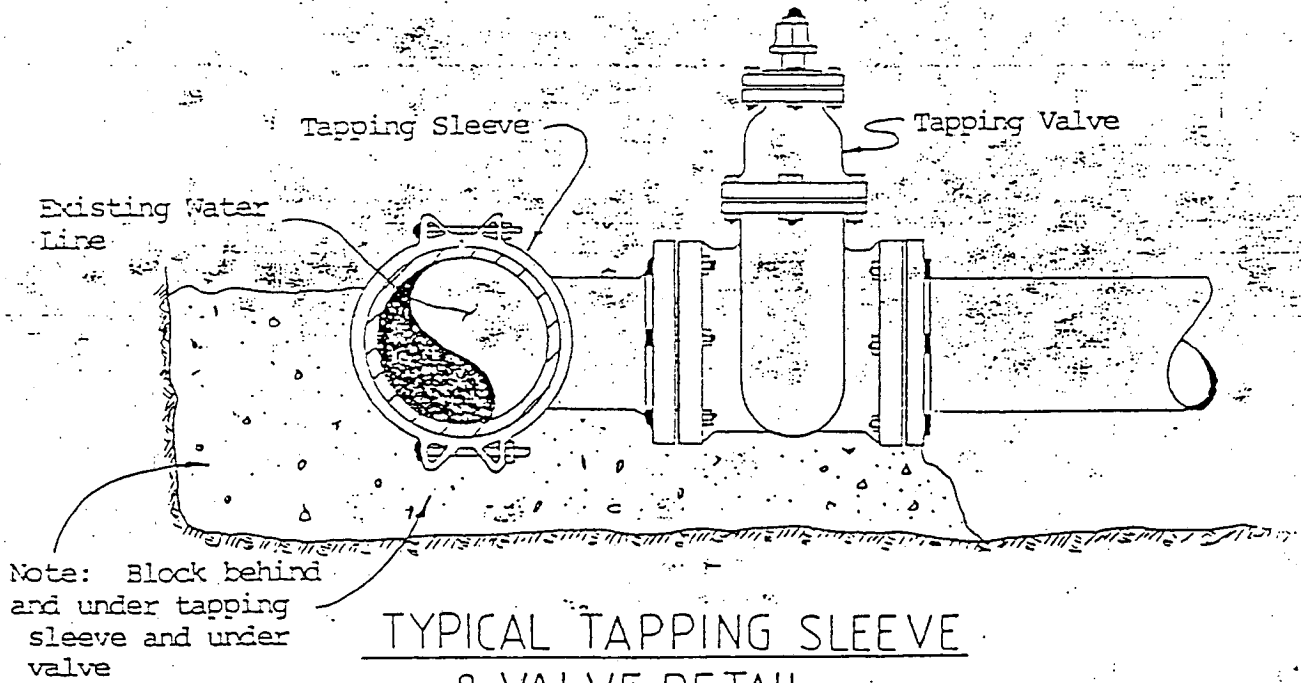
TYPICAL FIRE HYDRANT  
INSTALLATION ON MAIN



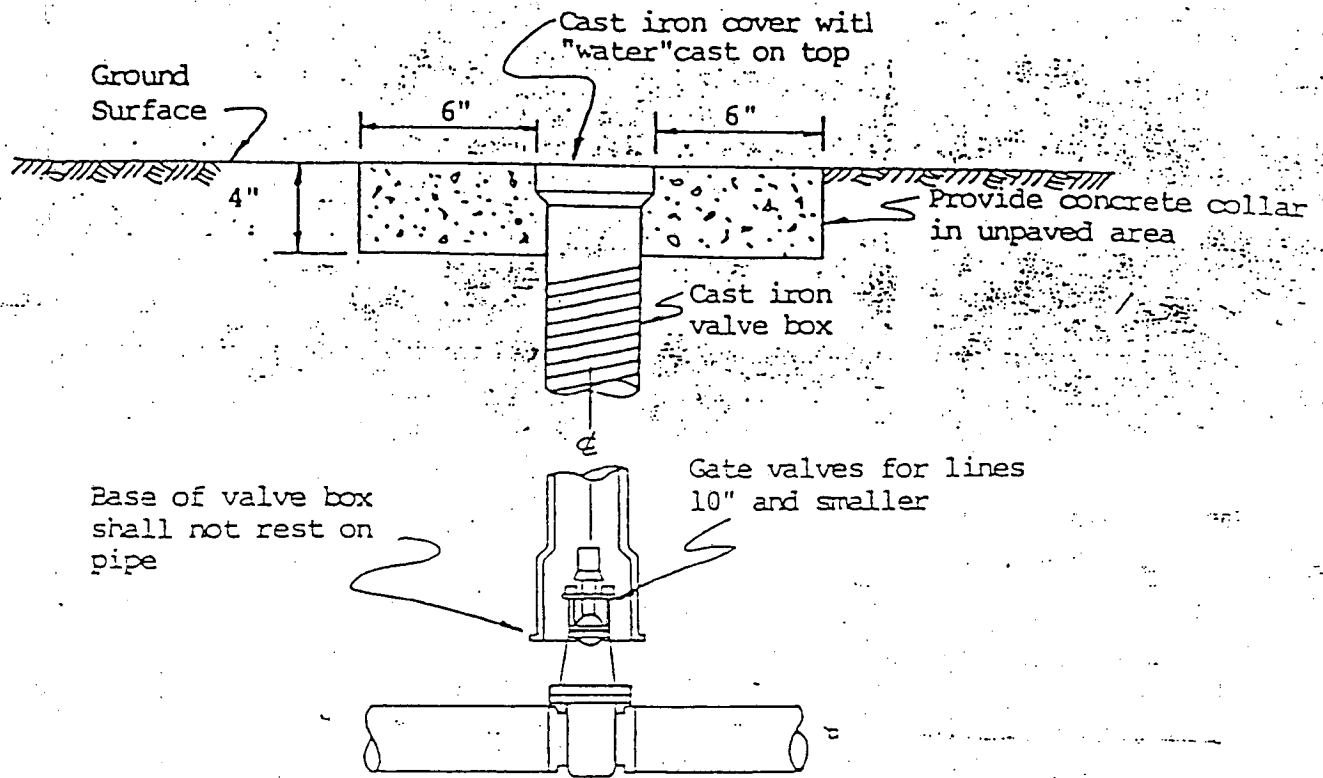
TYPICAL FIRE HYDRANT  
INSTALLATION  
AT END OF MAIN



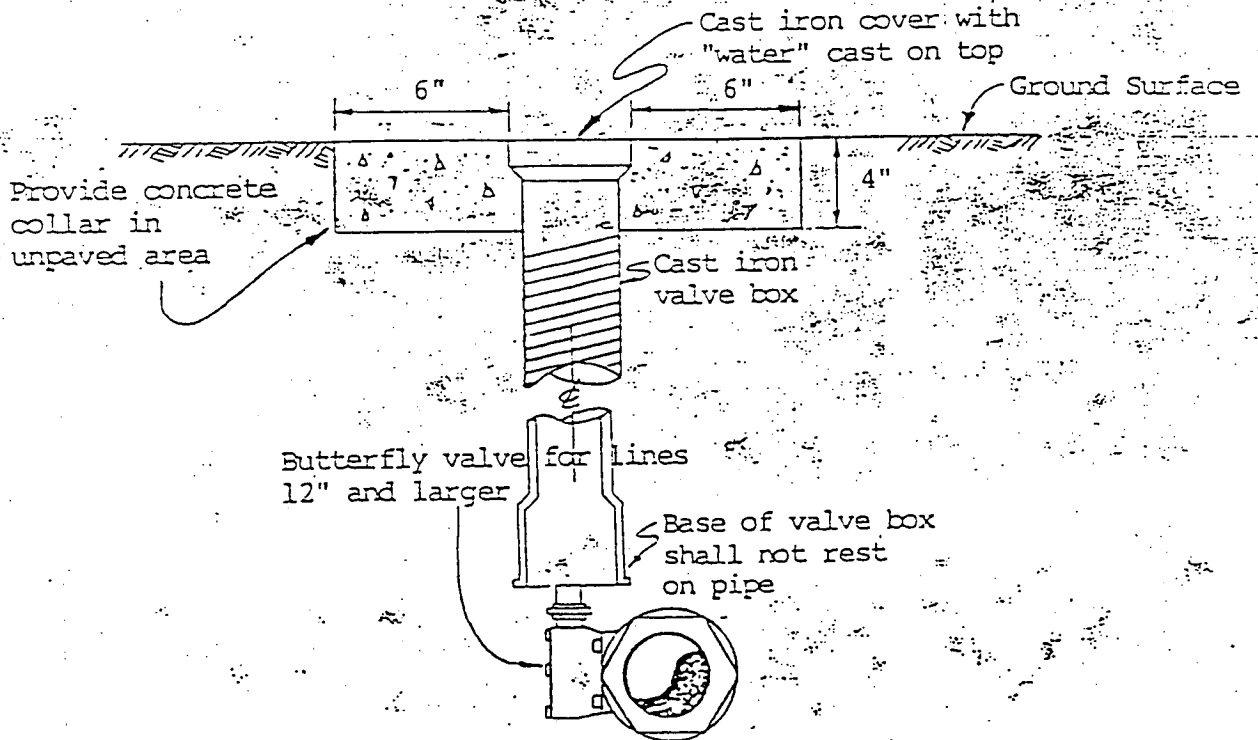
TYPICAL PLUG DETAIL



TYPICAL TAPPING SLEEVE  
& VALVE DETAIL

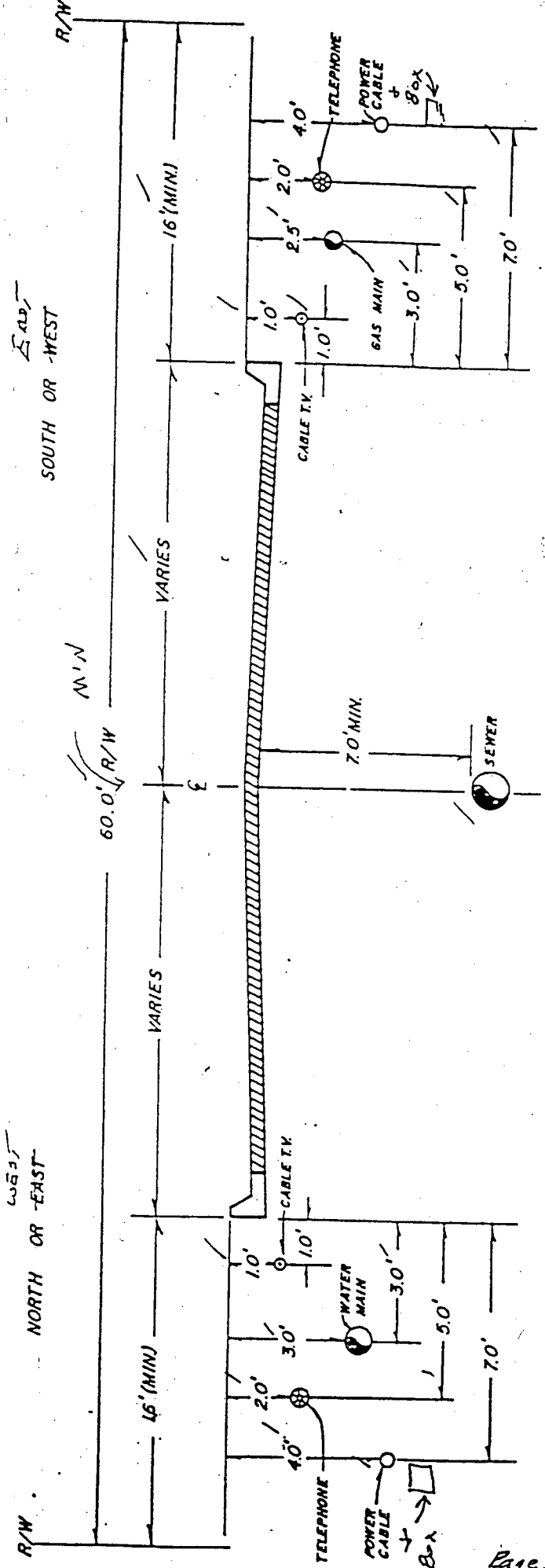


### GATE VALVE DETAIL



### BUTTERFLY VALVE DETAIL

## TYPICAL VALVE INSTALLATION DETAILS



SCALE: 1" = 5'-0"

NOTES:

1. FOR 80' R/W USE STREET WIDTH OF 52' BACK TO BACK OF CURBS FOR 100' R/W USE STREET WIDTH OF 64' BACK TO BACK OF CURBS ALL DIMENSIONS BEHIND THE CURB REMAIN THE SAME. *REQUIRE ROADWAYS*
2. BEFORE ANY UTILITY IS INSTALLED THE ENTIRE WIDTH OF THE R/W SHALL BE ROUGH GRADED, AND ALL CONCRETE CURBING SET AT FINAL GRADES.
3. IN GENERAL THE WATER MAINS SHOULD BE INSTALLED FIRST, FOLLOWING WATER INSTALLATION, UTILITIES ARE TO BE INSTALLED IN THIS ORDER; (1) ELECTRIC POWER (2) GAS (3) TELEPHONE (4) CABLE T.V. *WATER 114 171 152 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000*
4. ON THOSE SUBDIVISION STREETS WHERE NO CURB IS CALLED FOR ON THE PLANS, MEASUREMENTS SHALL BE FROM THE EDGE OF THE PAVEMENT.
5. AT CURB-DE-SAC, ALL DIMENSIONS SHALL REMAIN IDENTICAL TO STANDARD STREET SPACING. EXCEPT THAT GAS WILL BE 3'-0" AND WATER WILL BE 3'-0", AND TELEPHONE WILL NOT BE LOOPED.
6. EACH UTILITY SHALL BE RECONSTRUCTED TO STANDARD STREET SPACING.

Dwg No 14

**FORSYTH COUNTY**  
**DEPT. OF PUBLIC WORKS**

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**UTILITY LOCATION WITHIN**  
**RIGHT OF WAY**  
**SUBDIVISION**

CIVIL ENGINEERING  
CONSULTANTS, Inc.

CIVIL & ENVIRONMENTAL ENGINEERING

February 6, 1998

Mr. Steve Bennett  
Assistant City Administrator  
City of Cumming  
301 Old Buford Road  
Cumming, GA 30040

RE: Water and Sewer Rates Analysis

Dear Steve:

At your request, I have reviewed the City's current water and sewer rates structure for customer classes inside the City versus customers outside the City. According to the City's Water Department, the current rates are listed below:

WATER

		Cost for 7,0000 <u>gal/mo Usage</u>
Inside City	1 <sup>st</sup> 3,000 gallons \$7.50	
	Over 3,000 gallons \$1.85 per Kgal	\$14.90
Outside City	1 <sup>st</sup> 3,000 gallons \$10.00	
	Over 3,000 gallons \$2.30 per Kgal	\$19.20

SEWER

		Cost for 7,0000 <u>gal/mo Usage</u>
Inside City	1 <sup>st</sup> 3,000 gallons water usage \$7.50	
	Over 3,000 gallons water usage \$2.00	\$14.90
Outside City	1 <sup>st</sup> 3,000 gallons water usage \$7.50	
	Over 3,000 gallons water usage \$2.45	\$17.30

Water and sewer customers outside the City have a higher cost of service because of the following:

1. More distribution and transmission lines per customer are needed because these customers are more distant from the City's water production plant than the customers inside the City.
2. Water lines located outside the City were constructed, for the most part, after the inner-City lines. Therefore, these water lines have a higher cost.
3. The operational cost of maintaining the system outside the City is higher because its is remote and has fewer customers per mile of distribution system.



Mr. Steve Bennett  
February 6, 1998  
Page Two

The issues are similar for the sewer system, although the sewer system is not as remote as the water system.

Therefore, it is my opinion that the split water and sewer rate structure (inside City/outside City) is justified based on the cost of service being higher for the outside the City user class.

If I can provide additional information, or answer any questions, please call me.

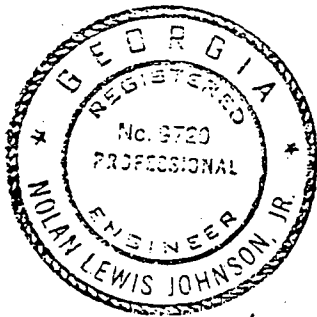
Very truly yours,  
CIVIL ENGINEERING CONSULTANTS, Inc.



Nolan L. Johnson, Jr., P.E.  
President

NLJ/sju

cc: Gerald Blackburn, City of Cumming Administrator





# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH COUNTY Service: LAND USE

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
Forsyth County	General Fund
City of Cumming	General Fund

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county? Previously, there was no formal method of communication no procedural guide to resolve land use classification conflicts. The joint agreement between Forsyth and the City of Cumming provides for these items to be addressed. The effective date of this joint agreement is: \_\_\_\_\_

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
Land Use Compatibility and Provisions for Dispute Agreement	Forsyth County	1998 - current
	City of Cumming	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?  
 Same as item 5.

City of Cumming Development Regulations,  
 Forsyth County Comprehensive Zoning and Land Use Ordinance,

7. Person completing form: Gerald Blackburn Stevie P. Mills  
City Manager County Administrator

Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:



**SERVICE DELIVERY STRATEGY**  
**SUMMARY OF SERVICE DELIVERY ARRANGEMENTS**

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH

Service: Development Permitting & Inspections

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 Yes  No

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(i)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness, etc.)

Government or Authority	Funding Method
Forsyth County	General Fund
City of Cumming	General Fund

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
 No change.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service:

Agreement Name	Contracting Parties	Effective and Ending Dates
Development Permitting Inspections Agreement	Forsyth County	1998 - current
	City of Cumming	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

Same as No. 5.

City of Cumming Development Regulations.  
 Forsyth County Comprehensive Zoning and Land Use Ordinance.

7. Person completing form: Gerald Blackburn Stevie P. Mills  
City Manager County Administrator  
 Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

**Comprehensive Plan Pertaining to  
Development Permitting and Inspections Service Delivery Strategies for  
Cumming and Forsyth County**

Forsyth County offers this service through the Forsyth County Planning and Development Department, issuing development permits and performing all required inspections according to the Forsyth County Development Regulations and State Codes. These services are performed within the unincorporated areas of Forsyth County.

The City of Cumming offers the same type of services through the Cumming Planning and Zoning Department, issuing development permits and performing all required inspections according to the Cumming Development Regulations and State Codes. These services are performed inside the corporate city limits of Cumming.

Each entity's department provides these services to their respective constituents and have done so in the past, without conflict, while lending assistance to one another in these areas whenever necessary.

We, the undersigned agree that the **Development Permitting and Inspections Service Delivery Strategies** in place have proven to be an efficient and effective method of delivery, with each entity providing the service for a specific area under separate funding and see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

Bill Jenkins  
Forsyth County Commission Chairman  
Bill R. Jenkins

Attest:

[Signature]

County Seal:

H. Ford Gravitt  
Mayor, City of Cumming  
H. Ford Gravitt

Attest:

[Signature]

City Seal:



# SERVICE DELIVERY STRATEGY SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

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County: Forsyth Service: Building Permitting & Inspections

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?
- yes  no
- If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).
- If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
Forsyth County	General Fund
City of Cumming	General Fund

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?

No change.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
Building Permitting and Inspections Service Delivery Agreement	Forsyth County	1998 - current
	City of Cumming	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

Same as No. 5.  
CITY OF CUMMING DEVELOPMENT REGULATIONS.  
FORSYTH COUNTY COMPREHENSIVE ZONING AND LAND USE ORDINANCE.

7. Person completing form: City Manager Gerald Blackburn / County Administrator Stevie P. Mills  
Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
If not, provide designated contact person(s) and phone number(s) below:

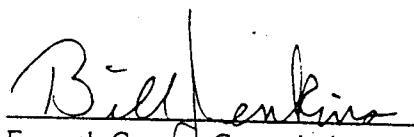
**Comprehensive Plan Pertaining to  
Building Permitting and Inspections Service Delivery Strategies for  
Cumming and Forsyth County**

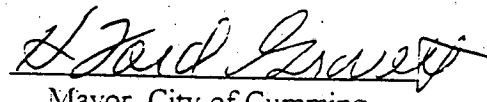
Forsyth County offers this service through the Forsyth County Planning and Development Department, issuing building permits and performing all required inspections according to the Forsyth County Development Regulations and State Codes. These services are performed within the unincorporated areas of Forsyth County.

The City of Cumming offers the same type of services through the Cumming Planning and Zoning Department, issuing building permits and performing all required inspections according to the Cumming Development Regulations and State Codes. These services are performed inside the corporate city limits of Cumming.

Each entity's department provides these services to their respective constituents and have done so in the past, without conflict, while lending assistance to one another in these areas whenever necessary.

We, the undersigned agree that the **Building Permitting and Inspections Service Delivery Strategies** in place have proven to be an efficient and effective method of delivery, with each entity providing the service for a specific area under separate funding and see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

  
Forsyth County Commission Chairman  
Bill R. Jenkins

  
Mayor, City of Cumming  
H. Ford Gravitt

Attest: 

Attest: 

County Seal:

City Seal:



# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH COUNTY

Service: SOIL EROSION PERMITTING & ENFORCEMENT

1. Check the box that best describes the agreed upon delivery arrangement for this service:

- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
- Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
 NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
SOIL EROSION PERMITTING AND ENFORCEMENT SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY CITY OF CUMMING	1998 - current 1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of General Assembly, rate or fee changes, etc.), and when will they take effect?

SAME AS NO. 5  
 CITY OF CUMMING DEVELOPMENT REGULATIONS.  
 FORSYTH COUNTY COMPREHENSIVE ZONING AND LAND USE ORDINANCE.

7. Person completing form: Gerald Blackburn City Manager      Stevie P. Mills County Administrator

Phone number: 781-2010 / 781-2101      Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

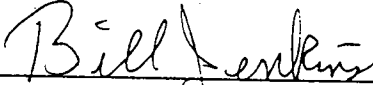
**Comprehensive Plan Pertaining to  
Soil Erosion Permitting and Enforcement Service Delivery Strategies  
for Cumming and Forsyth County**

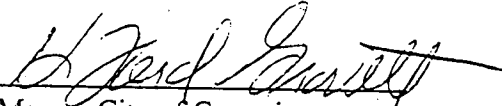
Forsyth County offer this service through the Forsyth County Planning and Development Department and Department of Engineering. Any project requiring land disturbing activities is reviewed by the Soil and Water Conservation Service and the Forsyth County Planning Department according to the Forsyth County Developmental Regulations and State Codes, before a Soil Erosion Permit is issued. Enforcement is accomplished through regular scheduled inspections, inclement weather inspections and citizen complaint follow-up in the unincorporated areas of Forsyth County.

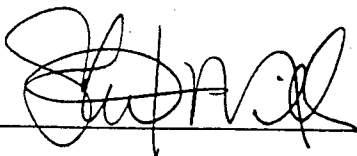
The City of Cumming offers the same type service through the Cumming Planning and Zoning Department. Any project requiring land disturbing activities are reviewed by the Soil and Water Conservation Service and the City Planning Department according to the City of Cumming Regulations and applicable State Laws, before a Grading Permit is issued. Enforcement is accomplished through regular scheduled inspections, inclement weather inspections and citizens complaint follow-up in the areas inside the corporate limits of Cumming.

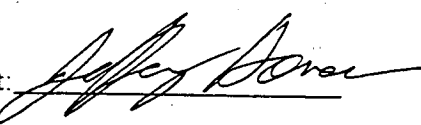
Each entity's department provides this service to their respective constituents and have done so in the past, without conflict, while lending assistance to one another in this area whenever necessary.

We, the undersigned agree that the **Soil Erosion Permitting and Enforcement Service Delivery Strategies** in place have proven to be effective, efficient methods of delivery and with each entity providing service for a specific area under separate funding, we see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

  
\_\_\_\_\_  
Forsyth County Commission Chairman  
Bill R. Jenkins

  
\_\_\_\_\_  
Mayor, City of Cumming  
H. Ford Gravitt

Attest:   
\_\_\_\_\_

Attest:   
\_\_\_\_\_

County Seal:

City Seal:





# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

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County: FORSYTH COUNTY Service: ECONOMIC DEVELOPMENT

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including cities and unincorporated areas) by a single service provider (If this box is checked, identify the government, authority or organization providing the service.)  
The Cumming-Forsyth County Chamber of Commerce will provide this service to the two entities on a contract service basis.
  - Service will be provided only in the unincorporated portion of the county by a single service provider (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?
- yes  no
- If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated)
- If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness)

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?

NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service

Agreement Name	Contracting Parties	Effective and Ending Dates
ECONOMIC DEVELOPMENT SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY CITY OF CUMMING	1998 - current 1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

SAME AS NO. 5.

Gerald Blackburn                      Stevie P. Mills  
City Manager                              County Administrator

7. Person completing form: \_\_\_\_\_  
 Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

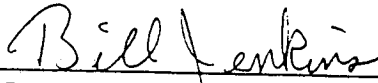
8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

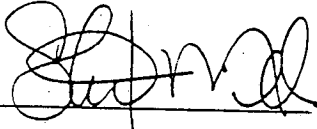
Comprehensive Plan Pertaining to  
Economic Development Strategy  
Cumming and Forsyth County

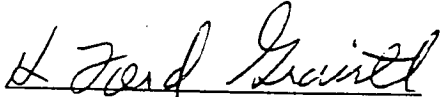
The Cumming-Forsyth County Chamber of Commerce currently provides the Economic Development Services for both the City of Cumming and Forsyth County. Allocations are made annually to the Chamber by the City and County separately, for Economic Development Services provided to the two entities.

The above arrangement has worked very well in the past for the City, County and Chamber of Commerce; therefore, we see no advantages in changing a system that works well for all concerned parties.

We, the undersigned agree that the **Economic Development Strategy** in place has proven to be an efficient and effective means of addressing our economic development needs and see no apparent duplication of services nor prospect for consolidation of services. Each of the parties agree this the 4<sup>th</sup> day of May, 1998 that we continue our present agreement.

  
\_\_\_\_\_  
Bill R. Jenkins  
Forsyth County Commission Chairman

Attest:   
\_\_\_\_\_

  
\_\_\_\_\_  
H. Ford Gravitt  
Mayor, City of Cumming

Attest:   
\_\_\_\_\_

County Seal:

City Seal:



# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, it should be reported to the Department of Community Affairs.

County: FORSYTH COUNTY Service: EMERGENCY MANAGEMENT

1. Check the box that best describes the agreed upon delivery arrangement for this service:

- Service will be provided countywide (i.e. including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.) EMERGENCY MANAGEMENT AGENCY
- VIA CONTRACT WITH THE CITY OF CUMMING AND FORSYTH COUNTY.** Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?

yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?

NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
EMERGENCY MANAGEMENT SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY	1998 - current
	CITY OF CUMMING	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of General Assembly, rate or fee changes, etc.), and when will they take effect?

SAME AS NO. FIVE.

7. Person completing form: Gerald Blackburn Stevie P. Mills  
City Manager County Administrator

Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

**Comprehensive Plan Pertaining to  
Service Delivery Strategy for  
Emergency Management  
Cumming and Forsyth County**

This agency provides Emergency Management service to both the City of Cumming and Forsyth County.

The City of Cumming contributes \$600.00 per annum and Forsyth County contributes \$22,212.00 to help provide for this agency on the local level. There being only one service delivery, it is a consolidated plan with no duplication of services.

By this inter-local agreement, we, the undersigned agree that this is the most effective, efficient manner in which to deliver this Emergency Management service to the people of the city and the county, this the 4<sup>th</sup> day of May, 1998.

Bill Jenkins  
Forsyth County Commission Chairman  
Bill R. Jenkins

Attest:

[Signature]

County Seal:

H. Ford Gravitt  
Mayor, City of Cumming  
H. Ford Gravitt

Attest:

[Signature]

City Seal:



# SERVICE DELIVERY STRATEGY SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH COUNTY Service: FIRE

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)  
FORSYTH COUNTY
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE. WE CONTINUE TO WORK UNDER THE MAY 16, 1984 FIRE SERVICES CONTRACT, an agreement between the City of Cumming and Forsyth County.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
1984 FIRE SERVICES CONTRACT	FORSYTH COUNTY	1984 - current
FIRE SERVICES DELIVERY AGREEMENT	CITY OF CUMMING	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?  
SAME AS NO. 5.

7. Person completing form: Gerald Blackburn City Manager      Stevie P. Mills County Administrator

Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
If not, provide designated contact person(s) and phone number(s) below:

**Comprehensive Plan Pertaining  
to Fire Services Delivery Strategy  
Cumming and Forsyth County**

Since the signing of the **May 16, 1984 Fire Services Contract** agreement, by the Forsyth County Board of Commissioners and the Mayor and Council of the City of Cumming, there has been no conflict pertaining to fire protection or fire services between Forsyth County and the City of Cumming (See attached Fire Services Contract).

The city's department is all volunteer, therefore, the annual expense attributed to the City Fire Department is solely for insurance and upkeep of the City's fire truck. This expense has never exceeded \$6,000.00 per year.

We, the undersigned agree that the **Fire Services Contract** in place has proven to be an effective, efficient manner of delivering fire protection services to the residents of the County and the City. A copy of the contract is provided for reference and attached hereto. The City's Volunteer Fire Department is solely for the purpose of enhancing fire service within the central business district of Cumming when needed. The Forsyth County Volunteer Fire Department carries the major responsibility for both jurisdictions. We see no apparent duplication of services nor issues for consolidation, this the 4<sup>th</sup> day of May, 1998.

Bill Jenkins  
Forsyth County Commission Chairman  
Bill R. Jenkins

Attest:

[Signature]

County Seal:

H. Ford Gravitt  
Mayor, City of Cumming  
H. Ford Gravitt

Attest:

[Signature]

City Seal:

tion.

6. Term and renewal. The term of this Contract shall be through and including December 31, 1984. This agreement shall be automatically renewed for successive one year calendar periods without action by any party unless sooner terminated under the provisions of Paragraph 8 below.

7. Exclusivity and rescission. This Contract constitutes the sole and entire agreement between the City and the County with respect to this subject matter and there are no prior or contemporaneous oral agreements. Any prior agreements which may be in existence, either oral or written, are hereby rescinded.

8. Termination. This Contract may be terminated by either party prior to the expiration thereof upon written notice delivered to the other.

IN WITNESS WHEREOF, the undersigned duly authorized representatives of the City and the County affix their hands to this agreement this 16<sup>th</sup> day of May, 1984.

FORSYTH COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF  
GEORGIA

BY: Donald Glover  
Donald Glover, Chairman  
Board of Commissioners

BY: Jack Shoemaker  
Jack Shoemaker, Secretary  
Board of Commissioners

THE CITY OF CUMMING, A  
MUNICIPAL CORPORATION OF THE  
STATE OF GEORGIA

BY: H. Ford Gravitt  
H. Ford Gravitt, Mayor

BY: Rupert Sexton  
Rupert Sexton, Mayor Pro Tem

ATTEST:

Betty Shadburn, County Clerk

Estelene Stanford  
Estelene Stanford, City Clerk



A RESOLUTION TO  
TRANSFER ENFORCEMENT AUTHORITY FROM THE  
GEORGIA SAFETY FIRE COMMISSIONER  
TO THE CITY OF CUMMING

and

FROM THE CITY OF CUMMING TO  
FORSYTH COUNTY

WHEREAS, in order to transfer the authority from the Georgia Fire Safety Commissioner to the City of Cumming, it is necessary to submit a resolution to comply with O.C.G.A. Title 25, Chapter 2, Section 12, and;

WHEREAS, municipalities having a population of less than 45,000 as determined by the most recent decennial census published by the United States Bureau of the Census, may adopt the State Minimum Fire Safety Standards adopted in the Rules and Regulations promulgated pursuant to Chapter 2 of Title 25 of the Official Code of Georgia Annotated, including all subsequent revisions thereof, the municipal governing authority shall indicate its intention to adopt and enforce the State Minimum Fire Safety Standards by forwarding a resolution so indication to the Commissioner, the municipality shall then adopt and enforce the State Minimum Fire Safety Standards as set forth in Title 25, Chapter 2, and

WHEREAS, the Forsyth County Fire Department is the enforcing authority of the State minimum Fire Safety Standards in unincorporated Forsyth County, and

WHEREAS, The Forsyth County Fire Department is fully able to enforce the State Minimum Fire Safety Standards in the corporate limits of the City of Cumming and is willing to do so, and;

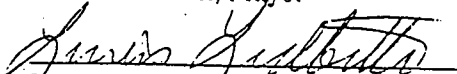
WHEREAS, The Mayor and Council of the City of Cumming by this resolution acknowledges the FCFD's acceptance of the responsibility to enforce the SMFSS within the City's Corporate Limits, a service paid for by the current 1 mil tax fairly shared by the citizens of the City of Cumming and Forsyth County; this allotment being created by a special referendum and dedicated to the Forsyth County Fire Department. Any permit fees required for this service must be paid by the individual to the Forsyth County Fire Department.

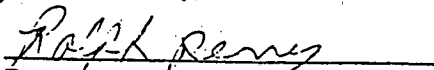
NOW, THEREFORE, BE IT RESOLVED  
BY THE MAYOR AND COUNCIL  
OF THE CITY OF CUMMING, THAT

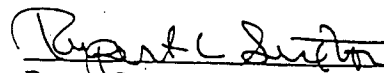
The City of Cumming does hereby desire to adopt the State Minimum Fire Safety Standards as set forth in Title 25, Chapter 2 and states that the Forsyth County Fire Department shall enforce all codes pursuant to this law for the City of Cumming.

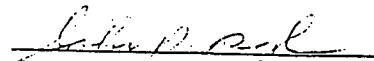
This the 17 Day of MAR, 1998.

  
H. Ford Gravitt, Mayor

  
Lewis Ledbetter, Councilman

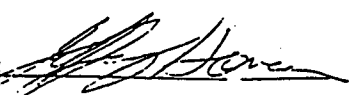
  
Ralph Perry, Councilman

  
Rupert Sexton, Councilman

  
John D. Pugh, Councilman

  
Quincy Holton, Councilman

Attest:



Seal:



## FORSYTH COUNTY FIRE DEPT.

3480 SETTENDOWN ROAD  
CUMMING, GEORGIA 30040  
(770) 781-2180  
FAX (770) 781-2194

### Plan Submittal Information

On February 09, 1998 the Forsyth County Board of Commissioners passed the Forsyth County Fire Safety and Prevention Ordinance, Ordinance number 79. This Ordinance adopts the State Minimum Fire Safety Standards and requires the Fire Department to review plans, issue permits and inspect all new construction except one and two family dwelling. It also establishes fees for these services.

Pursuant to Ordinance 79 the plan review and inspection procedures are as follows:

The Forsyth County Fire Department will review all site plans, sprinkler plans and plans for all building and structures except one and two family dwellings. This review will take place prior to any review by the Building Official, except for Grading Permits. In addition the Fire Department will review any plans at the request of the Building Official. The State Fire Marshal's Office will only review plans and inspect Hospitals, Nursing Homes, Jails, Ambulatory Health Care Centers, Penal Institutions and building owned, operated or occupied by the State.

To obtain a review and a construction permit from the Fire Department three complete sets of plans, one set of specifications and the required fees shall be submitted to the Fire Safety Division. A complete set of plans is defined below. An incomplete submittal will be disapproved and returned. When the review is complete a construction permit will be issued and it along with two stamped copies of the plans will be returned. At that time a copy of the Fire Department construction permit can be submitted along with the stamped plans to the Building Official.

Plans shall be delivered to the Fire Department between the hours of 08:30 am to 11:30 am and 1:30 pm to 4:30 pm Monday through Friday.

Plans will be reviewed on a first come first serve basis. At the time the plans are submitted a "Review Information Form" shall be completed with the fees attached. **All fees shall be check or money order made payable to the Forsyth County Fire Department.** When the review is complete the contact person on the "Review Information Form" will be notified. Plans must be picked up within 30 days. Construction permits shall expire one year from date issued.

All plans submitted shall bear the seal of a Georgia registered Architect or Engineer. All sprinkler plans shall bear the seal of the certificate of competency holder. All drawings shall be drawn to scale and show all dimensions.

A complete set of plans on new construction shall contain the following drawings:

Structural  
Architectural  
Electrical  
Plumbing  
HVAC

A complete set of plans on remodeling and tenant finish construction shall contain the following drawings:

Architectural  
Electrical  
Plumbing  
HVAC

Shop drawings for sprinkler systems, alarm systems, exhaust hoods, etc. can be submitted under separate cover. They shall be submitted prior to the installation or construction of these systems.

Major corrections to drawings, i.e. changes to means of egress, number of exits, accessibility for the disable, changes or lack of rated partitions, etc. shall cause the drawings to be disapproved. Disapproved drawings will be returned and shall be corrected by the designer and all corrections shall bear his/her seal.

An outside electrical disconnect is required on all new construction and anytime the electrical service is upgraded.

Approved numbers or addresses shall be provided for all new and existing buildings so that the number or address is plainly visible and legible from the street or roadway.

Inspections will be conducted throughout all phases of construction. Required inspections by the Fire Department are at 80% and 100% for all types of construction. A 50% inspection is also required for all multi-family residential buildings.

All residential buildings containing more than four living units shall have an automatic extinguishing system installed according to NFPA 13, NFPA 13D or NFPA 13R whichever is appropriate.

A Certificate of Occupancy issued by the Fire Department and one issued by the Building Official is required before any building or structure can be occupied.

**A copy of the Fire Department Construction Permit, stamped plans and specifications shall be kept at the construction site and be available for review during all phases of construction.**

The Forsyth County Fire Department shall collect fees as follows:

(1) CONSTRUCTION PLAN REVIEW

- (a) 10,000 square feet or less ..... \$100.00
- (b) More than 10,000 square feet ..... \$.015 per square foot
- (c) All other structures ..... \$100.00
- (d) Site plans ..... \$25.00
- (e) Sprinkler plans ..... \$50.00

(2) INSPECTIONS

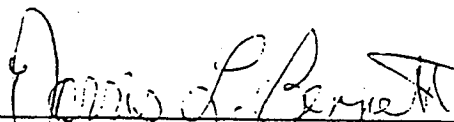
- (a) 50%, 80%, 100%, Annual and First Follow-up ..... No Charge
- (b) Second Follow-up ..... \$100.00
- (c) All other follow-ups ..... \$150.00

(3) CERTIFICATE OF OCCUPANCY ..... \$100.00

All Inspection fees shall be paid prior to inspection.

Questions concerning the Plan Review process should be directed to the Deputy Fire Marshal at (770) 781-2180 ext. 226.

These policies and procedures shall be effective on March 09, 1998.

  
\_\_\_\_\_  
Norris L. Bennett  
Fire Chief

3-4-98  
Date

# FORSYTH COUNTY FIRE DEPARTMENT

## FIRE MARSHAL'S OFFICE

THE FOLLOWING IS THE BASIC DEFINITIONS FOR 80% AND 100% COMPLETION.

80% ENGINEERING FIELD REVIEWS ARE CONDUCTED WHEN THE STRUCTURAL COMPONENTS ARE IN PLACE AND OPEN FOR REVIEW OF THE FIRE SAFETY COMPONENTS; SUCH AS - FIRE WALLS, VERTICAL SHAFTS, STAIRWAYS, SMOKE STOPS, HAZARDOUS AREA SEPARATION, ROOF AND CEILING ASSEMBLIES, CORRIDORS AND DOOR WIDTH, HVAC SYSTEMS.

100% COMPLETION IS WHEN THE BUILDING IS READY TO OCCUPY AND CONDUCT BUSINESS. THIS IS WHEN THE BUILDING IS READY FOR A CERTIFICATE OF OCCUPANCY.

CONTACT THE INSPECTION DIVISION OF THE FIRE MARSHAL'S OFFICE AT (770) 781-2180 EXT. 269 FOR INSPECTIONS **TWO** WEEKS PRIOR TO REACHING 80% AND 100% COMPLETION.

A COPY OF THE APPROVED PLANS **MUST** BE MAINTAINED ON SITE AND AVAILABLE FOR REVIEW AT THESE INSPECTIONS

FORSYTH COUNTY FIRE DEPARTMENT  
3480 SETTENDOWN ROAD  
CUMMING, GEORGIA 30040

PLAN REVIEW INFORMATION

DATE PLANS WERE SUBMITTED: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

CONTACT PHONE NUMBER: \_\_\_\_\_  
(NO PAGERS)

TYPE BUSINESS: \_\_\_\_\_

SQUARE FOOTAGE: \_\_\_\_\_ EST. COST: \_\_\_\_\_

SPRINKLER  YES  NO

HAZARDOUS MATERIALS  YES  NO  
(IF YES PROVIDE TYPE AND QUANTITY)

WITHIN CITY LIMITS  YES  NO

\_\_\_\_\_  
OFFICE USE ONLY

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes should be reported to the Department of Community Affairs.

County: FORSYTH COUNTY Service: LAW ENFORCEMENT

1. Check the box that best describes the agreed upon delivery arrangement for this service:

- Service will be provided countywide (i.e., including all ~~unincorporated~~ unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
- Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
LAW ENFORCEMENT SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY CITY OF CUMMING	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

SAME AS NO. 5.

7. Person completing form: Gerald Blackburn Stevie P. Mills  
City Manager County Administrator

Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
If not, provide designated contact person(s) and phone number(s) below:

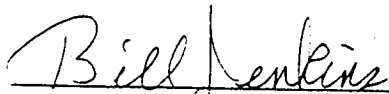
**Comprehensive Plan Pertaining to  
Law Enforcement Service Delivery Strategies for  
Cumming and Forsyth County**

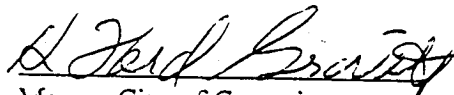
The City of Cumming has maintained a police force since the time of its Charter for the purpose of serving the citizens and business within its corporate limits. This provides for more intense patrolling and security checks due to a quicker response time than could be provided by the Forsyth County Sheriff's Department.

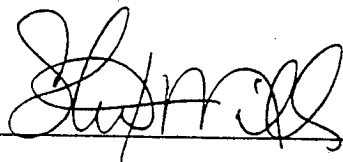
The Forsyth County Sheriff's Department, because of the greater geographic area of responsibility, focuses its primary attention on serving the citizens and business outside the city limits of Cumming.

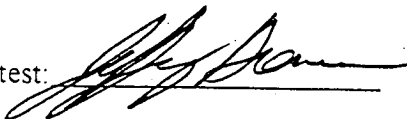
Each entity's department provides this service to their respective constituents and have done so in the past, without conflict, while lending assistance to one another in this area whenever necessary. The good working relationship between the person holding the elected position of Sheriff and the person holding the appointed position Chief of Police plays a key role in the continued success of this cooperative delivery strategy.

We, the undersigned agree that the Law Enforcement Service Delivery Strategies in place have proven to be effective, efficient methods of delivery and with each entity providing service for a specific area under separate funding, we see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

  
\_\_\_\_\_  
Forsyth County Commission Chairman  
Bill R. Jenkins

  
\_\_\_\_\_  
Mayor, City of Cumming  
H. Ford Gravitt

Attest:   
\_\_\_\_\_

Attest:   
\_\_\_\_\_

County Seal:

City Seal:





# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, it should be reported to the Department of Community Affairs.

County: FORSYTH COUNTY

Service: ROADS & BRIDGES

1. Check the box that best describes the agreed upon delivery arrangement for this service:

- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
- Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
- Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping and higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND.
CITY OF CUMMING	GENERAL FUND.

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?

NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties:	Effective and Ending Dates
ROADS AND BRIDGES SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY CITY OF CUMMING	1998-current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

SAME AS NO. 5

Gerald Blackburn  
City Manager

Stevie P. Mills  
County Administrator

7. Person completing form:

Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no

If not, provide designated contact person(s) and phone number(s) below:

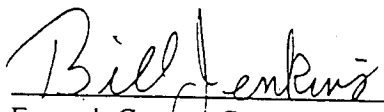
**Comprehensive Plan Pertaining to  
Road and Bridges Service Delivery Strategies  
for Cumming and Forsyth County**

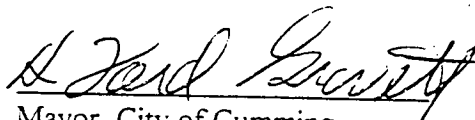
Forsyth County offers this service through the Roads and Bridges Division of the County Engineering Department, maintaining approximately 800 miles of roadway including corresponding bridges and rights-of-way outside the corporate city limits of Cumming.

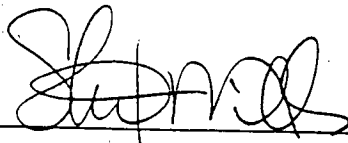
The City of Cumming offers the same type service through its Street Department for approximately 36 miles inside the corporate city limits.

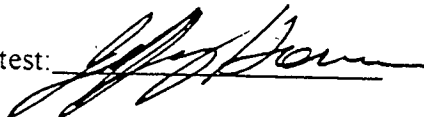
Each entity's department provides this service to their respective constituents and have done so in the past, without conflict, while lending assistance to one another in this area whenever necessary.

We, the undersigned agree that the Roads and Bridges Service Delivery Strategies in place have proven to be effective, efficient methods of delivery and with each entity providing service for a specific area under separate funding, we see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

  
\_\_\_\_\_  
Forsyth County Commission Chairman  
Bill R. Jenkins

  
\_\_\_\_\_  
Mayor, City of Cumming  
H. Ford Gravitt

Attest: 

Attest: 

County Seal:

City Seal:



# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH Service: RECREATION AND PARKS

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping or higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., entitlement funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
 NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
PARK AND RECREATION SERVICE DELIVERY AGREEMENT.	FORSYTH COUNTY. CITY OF CUMMING	1998 - CURRENT

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

SAME AS NO. 5.

Gerald Blackburn      Stevie P. Mills  
 City Manager              County Administrator

7. Person completing form: \_\_\_\_\_  
 Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

**Comprehensive Plan Pertaining to  
Recreation and Parks Service Delivery Strategies  
for Cumming and Forsyth County**

The City of Cumming Parks and Recreation Department was established in 1972 with the construction of City Park and served as the only government sponsored type facility for all residents of Forsyth County. In 1978, through the cooperation of the City of Cumming, Forsyth County established their own Recreation Department with the construction of Bennett Park. Since that time, the City and County have separately offered recreation facilities and programs for the residents of Cumming and Forsyth County. The two departments offer many different type programs while complimenting each other. As an example, youth basketball programs are sponsored by the City of Cumming and the adult basketball programs are sponsored by Forsyth County.

Both governmental entities rely greatly upon the Forsyth County Board of Education for gymnasium space. Each department offers certain opportunities, unavailable to the other such as:

- >The City operates the only swimming pool in the county.
- > The City is able to offer cultural type programs due mainly to the space availability indoors at the City Park Administration Building on Pilgrim Mill Road.
- >Forsyth County is able to offer many more outdoor programs because of its parks spread throughout the County. Those parks are: Sharon Springs Park, Midway Park, Coal Mountain Park, Bennett Park, Pooles Mill Park and Sawnee Mountain Park.
- >The City's main outdoor attractions are those special events at the Cumming Fairgrounds held throughout the year.

Both departments work to compliment rather than conflict in their delivery of recreation and parks service. They work together with one another to best utilize facilities and offer programs to all residents of Forsyth County such as gymnastics and summer day camps with the City sponsoring these programs within the City's corporate limits and the County offering these same programs in the unincorporated areas.

We, the undersigned agree that the Recreation and Parks Service Delivery Strategies in place have proven to be effective, efficient methods of delivery and with each entity providing service for a specific area under separate funding, we see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

Bill Jenkins  
Forsyth County Commission Chairman  
Bill R. Jenkins

H. Ford Gravitt  
Mayor, City of Cumming  
H. Ford Gravitt

Attest: [Signature]

Attest: [Signature]

County Seal:

City Seal:



**SERVICE DELIVERY STRATEGY**  
**SUMMARY OF SERVICE DELIVERY ARRANGEMENTS**

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH Service: MUNICIPAL COURT.

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)  
CITY OF CUMMING.
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	(Forsyth County does not have a Municipal Court System)
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
MUNICIPAL COURT SERVICE DELIVERY AGREEMENT.	FORSYTH COUNTY CITY OF CUMMING	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

City Charter (revision of Judicial Branch) 1998 (copy attached).

7. Person completing form: Gerald Blackburn Stevie P. Mills  
City Manager County Administrator  
 Phone number: 781-2010 / 781-2101 Date completed: May 4, 1998

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

**Comprehensive Plan Pertaining to  
Municipal Court Service Delivery Strategy  
for Cumming and Forsyth County**

The Delivery of Municipal Court Services is not a consideration for possible duplication of services in that Forsyth County does not have a Municipal Court System. Actions which the Municipal Court is not empowered to handle are forwarded to the appropriate court, either Forsyth County or State Court System. A copy of the Section of the City of Cumming Charter, Judicial Branch (revised 1998) is provided for reference and attached hereto.

We, the undersigned agree that the Municipal Court System as provided for in the City of Cumming Charter, has proven to be an effective and efficient system for delivery of court services within the City's jurisdiction with regard to its designated powers and see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

Bill Jenkins  
Forsyth County Commission Chairman  
Bill R. Jenkins

Attest: [Signature]

County Seal:

H Ford Gravitt  
Mayor, City of Cumming  
H. Ford Gravitt

Attest: [Signature]

City Seal:

STATE OF GEORGIA

COUNTY OF FORSYTH

WHEREAS, the City Council (the "Council") of the City of Cumming, a Georgia municipal corporation (the "City"), desires to petition the General Assembly of the State of Georgia to amend certain portions of its municipal charter (the "Charter"), as approved March 28, 1935 and as amended from time to time; and

WHEREAS, Section 21 of the Charter provides for the "The Police Court of Cumming," its powers, duties, and limitations; and

WHEREAS, the Council, in order to provide for a more effective and efficient judicial branch within the City, wishes to have the General Assembly of the State of Georgia enact an amendment to the Charter creating the Municipal Court of the City of Cumming in lieu of the Police Court of Cumming; and

WHEREAS, the Council hereby enacts this Ordinance and directs that it shall be sent to the Representative for the House of Representatives of the General Assembly of the State of Georgia, along with all other required documents, for his review and introduction as a bill;

NOW, THEREFORE, the Council hereby enacts the following:

I.

Section 21 of the Charter of the City is to be repealed in its entirety and the following is to be enacted in lieu thereof:

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CITY OF CUMMING, GEORGIA

---

AMENDMENT TO CHARTER

---

Section 21. Judicial Branch.

Section 21.1. Creation; Name.

There shall be a court to be known as the Municipal Court of the City of Cumming.

Section 21.2. Chief Judge; Associate Judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the City Council (the "Council") and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by the Council.

(d) Judges will serve at-will and may be removed from office at any time by the Council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the Mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor or partiality. The oath shall be entered upon the minutes



of the Council.

**Section 21.3. Convening.**

The Municipal Court shall be convened at regular intervals as provided by ordinance, or at such other times as deemed necessary by the judge to keep current the dockets thereof.

**Section 21.4. Jurisdiction; Powers.**

(a) The Municipal Court shall try and punish violations of the Charter of the City of Cumming, a Georgia municipal corporation (the "Charter"), all ordinances of the City, and such other violations as provided by law, including, but not limited to:

- (1) The abatement of nuisances;
- (2) The prosecution of traffic offenses as set forth in Title 40 of the Official Code of Georgia Annotated;
- (3) The prosecution of offenses relating to marijuana possession as set forth in O.C.G.A. § 36-32-6;
- (4) The prosecution of offenses relating to operating a motor vehicle without effective insurance as set forth in O.C.G.A. § 36-32-7;
- (5) The prosecution of offenses relating to operating a motor vehicle without a certificate of emissions inspection as set forth in O.C.G.A. § 36-32-8;
- (6) The prosecution of offenses relating to shoplifting as set forth in O.C.G.A. § 36-32-9;
- (7) The prosecution of offenses relating to alcoholic beverages and persons under 21 years of age as set forth in O.C.G.A. § 36-32-10;
- (8) The same powers and authorities of Magistrate Judges in the matter of and pertaining to criminal cases of whatever nature as set forth in O.C.G.A. §§ 15-10-2 and 36-32-3;
- (9) Any additional power, authority, or jurisdiction granted to municipal courts pursuant to the general laws of the State of Georgia.

(b) The Municipal Court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed two-hundred dollars (\$200.00) or ten (10) days in jail.

(c) The Municipal Court may fix punishment for offenses within its jurisdiction not exceeding a fine of one-thousand dollars (\$1,000.00) or imprisonment for one-hundred-eighty (180) days or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now, or hereafter provided by law.

(d) The Municipal Court shall have authority to establish a schedule of fees to defray the costs of operation, and shall be entitled to reimbursement of the costs of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The Municipal Court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two (2) days before a hearing on the rule nisi. In the event cash or property is accepted in lieu of bond for security for the appearance of a

defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the City, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for property taxes.

(f) The Municipal Court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary.

(g) The Municipal Court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by the Charter or by law.

(h) Each judge of the Municipal Court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the City, and each judge of the Municipal Court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the City.

(i) If the Chief Judge is for any reason temporarily unable to perform the duties of the office, or if during a limited period of time the workload of the Municipal Court is such that a temporary additional judge is required, the Chief Judge may request a superior court judge, state court judge, a magistrate, municipal court judge, or other qualified individual who is a member of the State Bar of Georgia to sit and hold court during the Chief Judge's absence.

(j) The Council is authorized to appoint a Prosecutor for the purpose of prosecuting cases coming before the Municipal Court, who shall serve at-will and may be removed from office at any time by the Council. Compensation of the Prosecutor so appointed shall be fixed by the Council.

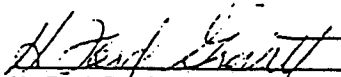
#### Section 21.5. Certiorari.

The right of certiorari from the decision and judgment of the Municipal Court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Forsyth County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

#### Section 21.6. Rules for Municipal Court.

With the approval of the Council, the judge of the Municipal Court shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the Municipal Court; provided, however, that the Council may adopt in part or in total the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the City Clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in proceedings before the Municipal Court at least forty-eight (48) hours prior to said proceedings.

The above Amendment to Charter was read and approved by the Mayor and City Council of the City of Cumming, a Georgia municipal corporation, on the 17th day of February, 1998.

  
H. Ford Gravitt, Mayor  
City of Cumming, Georgia

[SIGNATURES CONTINUE ON NEXT PAGE]

Attest:

Gerald Blackburn  
Gerald Blackburn, City Administrator  
City of Cumming, Georgia

Rupert Sexton  
Councilman Rupert Sexton

Lewis Ledbetter  
Councilman Lewis Ledbetter

Quincy Holton  
Councilman Quincy Holton

Ralph Perry  
Councilman Ralph Perry

John D. Pugh  
Councilman John D. Pugh



# SERVICE DELIVERY STRATEGY SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH

Service: STORM WATER MANAGEMENT

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness, etc.).

Local Government or Authority	Funding Method:
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates:
STORM WATER MANAGEMENT SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY CITY OF CUMMING	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

FORSYTH COUNTY COMPREHENSIVE PLAN.  
CITY OF CUMMING COMPREHENSIVE PLAN.

7. Person completing form: Gerald Blackburn City Manager      Stevie P. Mills County Administrator  
 Phone number: 781-2010 / 781-2101      Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

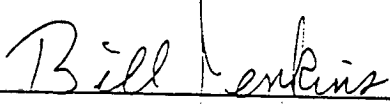
**Comprehensive Plan Pertaining to  
Storm Water Management Service Delivery Strategies for  
Cumming and Forsyth County**

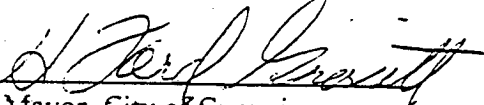
Forsyth County offers this service through the Department of Engineering. Storm Water Management is planned, reviewed and inspected according to Forsyth County Developmental Regulations and State Codes in the unincorporated areas of Forsyth County.

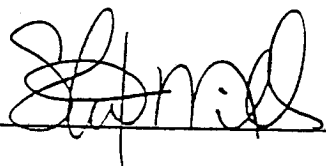
The City of Cumming offers the same type service through its Planning and Zoning Department. Storm Water Management is reviewed, planned and inspected in accordance with the City of Cumming Development Regulations, Flood Damage and Prevention Ordinance and all applicable State Laws within the corporate limits of Cumming.

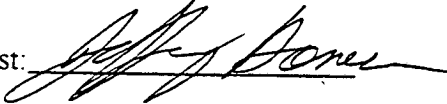
Each entity's department provides this service to their respective constituents and have done so in the past, without conflict, while lending assistance to one another in this area whenever necessary.

We, the undersigned agree that the **Storm Water Management Service Delivery Strategies** in place have proven to be effective, efficient methods of delivery and with each entity providing service for a specific area under separate funding, we see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

  
\_\_\_\_\_  
Forsyth County Commission Chairman  
Bill R. Jenkins

  
\_\_\_\_\_  
Mayor, City of Cumming  
H. Ford Gravitt

Attest:   
\_\_\_\_\_

Attest:   
\_\_\_\_\_

County Seal:

City Seal:



# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH

Service: TAX ASSESSMENT & COLLECTION

1. Check the box that best describes the agreed upon delivery arrangement for this service:

Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)

FORSYTH COUNTY

Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)

One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)

One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)

Other (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping or higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
<u>FORSYTH COUNTY</u>	
<u>CITY OF CUMMING</u>	

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
<u>TAX ASSESSMENT &amp; COLLECTION SERVICE DELIVERY AGREEMENT.</u>	<u>FORSYTH COUNTY</u> <u>CITY OF CUMMING</u>	<u>1998 - CURRENT</u>

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

SAME AS NO. 5

7. Person completing form: Gerald Blackburn City Manager      Stevie P. Mills County Administrator

Phone number: 781-2010 / 781-2101      Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no

If not, provide designated contact person(s) and phone number(s) below:

**Comprehensive Plan Pertaining to  
Tax Assessments and Collections Strategies  
Cumming and Forsyth County**

If in the future the City determines that it is necessary to begin the collection of ad valorem taxes, the County Commissioners and the Tax Commissioner of Forsyth County are agreeable to enter into a contractual agreement with the City of Cumming to collect the City's taxes as outlined in Georgia Law 48-5-359.1 as follows:

**48-5-359.1. Contract with county tax commissioner to assess and collect municipal taxes and prepare tax digest.**

(a) Any county and any municipality wholly located within such county may contract, subject to approval by the tax commissioner of the county, for the tax commissioner to prepare the tax digest for such municipality; to assess and collect municipal taxes in the same manner as county taxes; and, for the purpose of collecting such municipal taxes, to invoke any remedy permitted for collection of municipal taxes. Any contract authorized by this subsection between the county governing authority and a municipality shall specify an amount to be paid by the municipality to the county which amount will substantially approximate the cost to the county of providing the service to the municipality. Notwithstanding the provisions of any other law, the tax commissioner is authorized to contract for and to accept, receive, and retain compensation from the municipality for such additional duties and responsibilities in addition to that compensation provided by law to be paid to him by the county.

(b) With respect to any county for which the office of tax commissioner has not been created, any reference in subsection (a) of this Code section to the tax commissioner shall be deemed to refer to the tax receiver and the tax collector. (Code 1981, § 48-5-359.1, enacted by Ga. L. 1988, p. 368, § 1.)

We the undersigned agree that this method proves to be the most efficient and effective means of providing Tax Assessments and Collections Strategies for Cumming and Forsyth County and prevents the duplication of services. This 4<sup>th</sup> day of May, 1998.

Bobby Gene Gilbert  
Bobby Gene Gilbert  
Forsyth County Tax Commissioner

Bill R. Jenkins  
Bill R. Jenkins  
Forsyth County Commission Chairman

Attest: [Signature]

County Seal:

H. Ford Gravitt  
H. Ford Gravitt  
Mayor, City of Cumming

Attest: [Signature]

City Seal:



# SERVICE DELIVERY STRATEGY SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH COUNTY Service: GARBAGE PICK-UP

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)  
CITY OF CUMMING.
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(f)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	(FORSYTH COUNTY DOES NOT OPERATE A GARBAGE PICK-UP SERVICE)
CITY OF CUMMING	
	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
GARBAGE PICK-UP SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY, CITY OF CUMMING	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

Note: Garbage Pick-Up Service is handled on a contract service basis by individuals in the county wanting this service. There is no County-wide (unincorporated areas) program in effect.

The City on the other hand does have garbage pick-up service for its water customers. This service is paid for on the water bill. (within city's limits)

7. Person completing form: Gerald Blackburn, City Manager Stevie P. Mills, County Administrator  
Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
If not, provide designated contact person(s) and phone number(s) below:



**Comprehensive Plan Pertaining to  
Garbage Pick-up Delivery Strategy  
for Cumming and Forsyth County**

This service is provided solely by the City of Cumming and only to the constituents located in the city's corporate limits. Monthly charges for service appear on the user's water bill. The fees are calculated to offset cost of collection and disposal.

Service outside city's corporate limits, under the jurisdiction of Forsyth County, is delivered by private contractors who deal directly with the constituent requesting the service.

We, the undersigned, agree that the delivery procedures in place show no duplication of services in that the only governmental entity providing this Service Delivery is the City of Cumming to its constituents and with Forsyth County having no future plans of entering into this type Service Delivery, this the 4<sup>th</sup> day of May 1998.

Bill Jenkins  
Forsyth County Commission Chairman  
Bill R. Jenkins

Attest:

[Signature]

County Seal:

H. Ford Gravitt  
Mayor, City of Cumming  
H. Ford Gravitt

Attest:

[Signature]

City Seal:



**SERVICE DELIVERY STRATEGY**  
**SUMMARY OF SERVICE DELIVERY ARRANGEMENTS**

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, it should be reported to the Department of Community Affairs.

County: FORSYTH

Service: HOUSING AUTHORITY

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other. (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping has higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	(FORSYTH COUNTY DOES NOT OPERATE A HOUSING AUTHORITY)
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
HOUSING AUTHORITY SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY CITY OF CUMMING	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

Same as No. 5.

Cooperation Agreement between Public Housing Administration and the City of Cumming creating The Housing Authority of the City of Cumming as of March 13, 1958 and Amendment No. 1, dated February 27, 1962.

7. Person completing form: Gerald Blackburn Stevie P. Mills  
City Manager County Administrator  
 Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

**Comprehensive Plan Pertaining to  
Service Delivery Strategy for  
Housing Authority of the City of Cumming, Georgia**

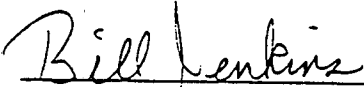
This Authority was created by an Agreement entered into on the 13th of March, 1958, by and between the Housing Authority and The City of Cumming, Georgia for the purpose of providing low rent housing to qualified applicants. (a copy of "Agreement" is attached hereto)

This Authority is funded by the Public Housing Administration, loans, contributions, and is exempt from all real and property taxes that might be levied by any political subdivision or taxing unit in which a project is situated. "Payment in Lieu of Taxes" is made to the Municipality at the end of each fiscal year in an amount equal to either:

- (1) ten percent (10%) of the Shelter Rent actually collected but in no event to exceed ten percent (10%) of the Shelter Rent charged by the Local Authority.
- (2) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.

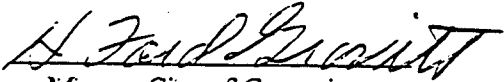
The Authority receives in return, assistance from the City of Cumming in the form of services that might be available to the citizens of the Municipality at no cost to the Authority. These services are more clearly defined in the "Agreement".

We, the undersigned agree that this has proven to be an efficient and effective way of providing low rent housing to qualified applicants. Considering that this is an agreement exclusively between the City of Cumming and the Housing Authority see no apparent duplication of services nor prospect for consolidation.

  
\_\_\_\_\_  
Forsyth County Commission Chairman  
Bill R. Jenkins

Attest: 

County Seal:

  
\_\_\_\_\_  
Mayor, City of Cumming  
H. Ford Gravitt

Attest: 

City Seal:

(b) Each such annual Payment in Lieu of Taxes shall be made after the end of the fiscal year established for such Project, and shall be in an amount equal to either (i) ten percent (10%) of the Shelter Rent actually collected but in no event to exceed ten percent (10%) of the Shelter Rent charged by the Local Authority in respect to such Project during such fiscal year or (ii) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.

(c) The Municipality shall distribute the Payments in Lieu of Taxes among the Taxing Bodies in the Proportion which the real property taxes which would have been paid to each Taxing Body for such year if the Project were not exempt from taxation bears to the total real property taxes which would have been paid to all of the Taxing Bodies for such year if the Project were not exempt from taxation; Provided, however That no payment for any year shall be made to any Taxing Body in excess of the amount of the real property taxes which would have been paid to such Taxing Body for such year if the Project were not exempt from taxation.

(d) Upon failure of the Local authority to make any Payment in Lieu of Taxes, no lien against any Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. The Municipality agrees that, subsequent to the date of initiation (as defined in the United States Housing Act of 1937, as amended) of each Project and within five years after the completion thereof, or such further period as may be approved by the PHA, there has been or will be elimination (as approved by the PHA) by demolition, condemnation, effective closing, or compulsory repair or improvement, of unsafe or insanitary dwelling units situated in the locality or metropolitan area in which such Project is located, substantially equal in number to the number of newly constructed dwelling units provided by such Project; Provided, That, where more than one family is living in an unsafe or insanitary dwelling unit, the elimination of such unit shall count as the elimination of units equal to the number of families accommodated therein; and Provided, further, That this paragraph 4 shall not apply in the case of (i) any Project developed on the site of a slum cleared subsequent to July 15, 1949, and that the dwelling units eliminated for any other Project or any other low-rent housing project, or (ii) any Project located in a rural nonfarm area.

5. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the PHA for loans or annual contributions, or both, in connection with such Project or any monies due to the PHA in connection with such Project remain unpaid, whichever period is the longest, the Municipality without cost or charge to the Local Authority or the tenants of such Project (other than the payments in Lieu of Taxes) shall:

(a) Furnish or cause to be furnished to the Local Authority and the tenants of such project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Municipality.

(b) Vacate such streets, roads, and alleys within the area of such Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the Municipality may have in such vacated areas; and, in so far as it is lawfully able to do so without cost or expense to the Local Authority or to the Municipality, cause to be removed from such vacated areas, insofar as it may be necessary, all public or private utility lines and equipment;

(c) Insofar as the Municipality may lawfully do so, (i) grant such deviations from the building code of the Municipality as are reasonable and necessary to promote economy and efficiency in the development and administration of such Project, and at the same time safeguard health and safety, and (ii) make such changes in any zoning of the site and surrounding territory of such Project as are reasonable and necessary for the development and protection of such Project and the surrounding territory;

(d) Accept grants of easements necessary for the development of such Project; and

(e) Cooperate with the Local authority by such other lawful action or ways as the Municipality and the Local Authority may find necessary in connection with the developments and administration of such Project.

6. In respect to any Project the Municipality further agrees that within a reasonable time after receipt of a written request therefor from the Local Authority:

(a) It will accept the dedication of all interior streets, roads, alleys, and adjacent sidewalks within the area of such Project, together with all storm and sanitary sewer mains in such dedicated areas, after the Local Authority, at its own expense has completed the grading, improvement, paving, and installation thereof in accordance with acceptable specifications to the Municipality;

(b) It will accept necessary dedications of land for, and will grade, improve, pave, and provide sidewalks for, all streets bounding such Project or necessary to provide adequate access thereto (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned); and

(c) It will provide, or cause to be provided, water mains, and storm and sanitary sewer mains, leading to such Project and serving the bounding streets thereof (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned).

7. If by reason of the Municipality's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the Local Authority or to the tenants of any Project, the Local Authority incurs any expense to obtain such services or facilities then the Local Authority may deduct the amount of such expense from any payments in lieu of taxes due or to become due to the Municipality in respect to any Project or any other low-rent housing projects owned or operated by the Local Authority.

8. No Cooperation Agreement heretofore entered into between the Municipality and the Local Authority shall be construed to apply to any Project covered by this Agreement.

9. So long as any contract between the Local Authority and the PHA for loans (including preliminary loans) or annual contributions, or both, in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the PHA in connection with any Project remain unpaid, this Agreement shall not be abrogated, changed, or modified without the consent of the PHA. The privileges and obligations of the Municipality hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the Local Authority or by any other public body or governmental agency, including the PHA, authorized by law to engage in the development or administration of low-rent housing projects. If at any time the beneficial title to, or possession of, any Project is held by such other public body or governmental agency, including the PHA, the provisions hereof shall inure to the benefit of and may be enforced by, such other public body or governmental agency, including the PHA.

10. In addition to the Payments in Lieu of Taxes and in further consideration for the public services and facilities furnished and to be furnished in respect to any Project for which no Annual Contributions Contract had been entered into prior to August 2, 1954, between the Local Authority and the PHA;

(1) After payment in full of all obligations of the Local Authority in connection with such Project for which any annual contributions paid by the PHA in respect to such Project has been repaid, (a) all receipts in connection with such Project in excess of expenditures necessary for the management, operation, maintenance, or financing, and for reasonable reserves therefor, shall be paid annually to the PHA and to the Municipality on behalf of the local public bodies which have contributed to such Project in the form of tax exemption or otherwise, in proportion to the aggregate contribution which the PHA and such local public bodies have made to such Project, and (b) no debt in respect to such Project, except for necessary expenditures for such Project, shall be incurred by the Local Authority;

(2) If, at any time, such Project or any party thereof is sold, such sale shall be to the highest responsible bidder after advertising, or at fair market value as approved by the PHA, and the proceeds of such sales, together with any reserves, after application to any outstanding debt of the Local Authority in respect to such Project, shall be paid to the PHA and local public bodies as provided in clause 1(a) of this Section 10: Provided, That the amounts to be paid to the PHA and the local public bodies shall not exceed their respective total contributions to such Project;

(3) The Municipality shall distribute the payments made to it pursuant to clauses (1) and (2) of this Section 10 among the local public bodies (including the Municipality) in proportion to their respective aggregate contributions to such Project.

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

CITY OF CUMMING, GEORGIA

(SEAL)

BY

W. W. Haskins  
Mayor

Attest:

Sara G. Curtis  
City Clerk

HOUSING AUTHORITY OF THE CITY OF  
CUMMING, GEORGIA

(SEAL)

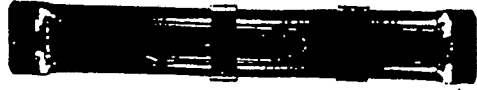
BY

J. T. Leets  
Chairman

Attest:

J. T. Leets  
Secretary

PHA-2481A  
July 1961  
ATE.



AMENDMENT NO. 1  
TO  
COOPERATION AGREEMENT

This amendatory Agreement entered into this 27th day of FEBRUARY, 1962, by and between the Housing Authority of the City of Cumming, Georgia (herein called "Local Authority") and the City of Cumming, Georgia (herein called "Municipality"), witnesseth:

WHEREAS, the Municipality and the Local Authority have entered into a certain Cooperation Agreement dated March 11, 1958

~~xxxxxx~~ providing for aid and cooperation in respect to low-rent housing Projects developed and to be developed and operated by the Local Authority with the financial assistance of the Public Housing Administration (herein called "PHA"); and

WHEREAS, the aforesaid Cooperation Agreement provides among other things that in respect to any Project for which no Annual Contributions Contract has been entered into prior to August 2, 1954 between the Local Authority and the PHA, the Local Authority would repay to the PHA and the Municipality on behalf of the local public bodies which have contributed to such Project in proportion to the aggregate contribution which the PHA and the local public bodies have made to such Project at the times and from the funds therein described; and

WHEREAS, such repayment provisions were required by Sec. 10(j) of the United States Housing Act of 1937, as added by the Housing Act of 1954 (68 Stat. 590, 632) which requirement was repealed effective June 30, 1961 by the Housing Act of 1961 (75 Stat. 149, 165); and

WHEREAS, the Local Authority and the Municipality desire to modify and amend the aforesaid Cooperation Agreement so as to make such repayment provisions inapplicable to Projects initially covered by an annual contributions contract on or after June 30, 1961;

NOW, therefore, the Local Authority and the Municipality do agree that the aforesaid Cooperation Agreement be amended by deleting therefrom Section 10 in its entirety.

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this amendatory Agreement and caused their seals to be affixed and attested as of the day and year first above written.

(SEAL)

Attest:

Ralph Holbrook, City Clerk

Ralph Holbrook  
City Clerk

(SEAL)

Attest:

Julian Grant  
Secretary

(L-M-2)

CITY OF CUMMING, GEORGIA

(Corporate Name of Municipality)

Marcus Mashburn, Sr., Mayor

By Marcus Mashburn, Sr.  
Mayor

HOUSING AUTHORITY OF THE CITY OF CUMMING, GEORGIA

(Corporate Name of Local Authority)

By Joe Bruch  
Chairman



**Comprehensive Plan Pertaining to  
Service Delivery Strategy for  
Land Use Compatibility  
and Provisions for Dispute Resolution  
between Cumming and Forsyth County**

This agreement between Cumming and Forsyth County provides a method of communication regarding zoning and/or annexation and a procedural guide to resolve land use classification conflicts that may arise between the two governmental entities resulting from proposed rezoning or annexation of those lands which serve as boundaries between the two.

The parties to this agreement recognize that state law requires that changes in land use within a jurisdiction will be made by the legislative body of that jurisdiction.

The process will be as follows:

1. Each governmental entity will notify the other within five business days via certified mail of any proposed land lying in the city/county boundary area to be re-zoned or annexed. This **Notification Letter** will provide information on the exact *location* of the property, *size* of the area and proposed land *use* classification of the property.
2. Upon receipt of the **Notification Letter** and within five business days, the receiving entity shall forward to the notifying entity a **Response Letter** via certified mail electing one of the following responses:
  - (A) The City or the County has *no objection* to the proposed zoning or annexation.
  - (B) The City or the County has *no objection, stipulating certain conditions* be made a part of the request.
  - (C) The City or the County *objects to the request* and would like to begin the agreed upon **Dispute Resolution Process**.
3. Upon receipt of the **Response Letter** indicating:
  - (A) *no objection to the proposed zoning and or annexation*, the zoning and/or annexation may proceed as planned.
4. Upon receipt of the **Response Letter**, requesting stipulations or joint meeting, the receiving entity will have ten days in which to:
  - (B) *modify its position* to accommodate the responding entity or
  - (C) *agree to a joint meeting* wherein the proposed re-zoning and/or annexation will be discussed.

If modification is agreeable, then a **Letter of Modification** should be generated by the receiving entity within ten days of receipt of the **Response Letter**.

If the modifications requested are unacceptable and a joint meeting becomes necessary, it should be scheduled within ten days after receipt of the *request for a joint meeting* and that date should be indicated in the **Agreement to a Joint Meeting Letter**.

5. If neither modification nor agreement is reached at the meeting, both entities will participate in work sessions for a period not to exceed thirty days. Any costs associated with the work sessions will be shared equally.

Parties to the work sessions will consist of:

- (A) -Forsyth County Commission Chairman and Members of the Commission  
-Mayor and City of Cumming Council Members.

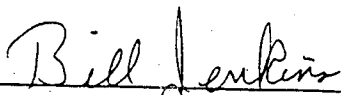
**Goal of work sessions:**

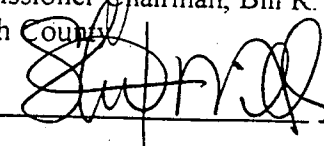
(B) Create a written report stating the results of the work sessions with copies given to each entity. The report will include any and all agreements between the two entities and/or will specify any remaining conflicts. This report will be made a part of the **Report Records for Hearing** and placed in safekeeping for any future hearing that may be scheduled.

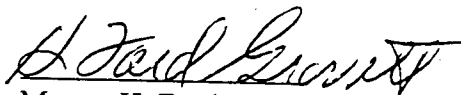
(C) Any **Final Action Agreements**, made during the work session process will become a part of the records of final action taken on the proposed zoning and/or annexation.

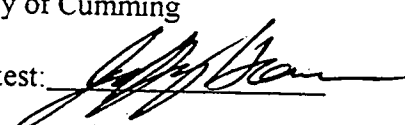
6. If no agreement results from the work sessions, the City and/or County would retain its *option of litigation*.

We, the undersigned agree that the contractual agreements and operational procedures set forth in this document, appear to be an effective and efficient manner of **Service Delivery for Land Use Compatibility and Provisions for Dispute Resolution**, demonstrating mutual respect for the rights and responsibilities of each governing entity, this the 4<sup>th</sup> day of May, 1998.

  
\_\_\_\_\_  
Commissioner Chairman, Bill R. Jenkins  
Forsyth County

Attest:   
\_\_\_\_\_

  
\_\_\_\_\_  
Mayor, H. Ford Gravitt  
City of Cumming

Attest:   
\_\_\_\_\_

County Seal:

City Seal:



# SERVICE DELIVERY STRATEGY

## SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH COUNTY Service: ALCOHOL LICENCES

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
Forsyth County	General Fund
City of Cumming	General Fund

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
 No Change.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
Alcohol Licence Strategies Agreement.	Forsyth County City of Cumming	1998 - current 1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

Forsyth County Alcohol Ordinance.  
 City of Cumming Alcohol Ordinance.

7. Person completing form: Gerald Blackburn Stevie P. Mills  
City Manager County Administrator  
 Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:


**Comprehensive Plan Pertaining to  
Alcohol License Strategies  
Cumming and Forsyth County**

No duplication of services exist between the City of Cumming and Forsyth County regarding the issuance of alcohol license. The City of Cumming has adopted an alcohol ordinance of the incorporated limits and Forsyth County has adopted an ordinance (Ordinance #68) for the unincorporated area of Forsyth County. The ordinances contain minor differences between the incorporated and unincorporated areas of the county which requires each and every applicant to comply with the requirements of the ordinance in which territory the applicant's property lies.

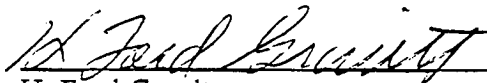
Each jurisdiction receives applications from prospective licensees, receives payment for the application fee, performs background checks on applicants, advertises for the public hearings, posts the properties advising of public hearing, holds public hearing, issues or denies alcohol license and monitors and enforces the ordinance after issuance of the alcohol license.

The above arrangement has worked very well in the past for both the city and county; therefore, we see no advantages in changing a system that works well for all concerned parties including alcohol license applicants.

We, the undersigned agree that the Alcohol License Delivery Strategies in place has proven to be an efficient and effective way of issuing alcohol license throughout both jurisdictions, with each entity providing the service for a specific area under separate funding and see no apparent duplication of services nor prospect for consolidation, this 4<sup>th</sup> day of May, 1998.

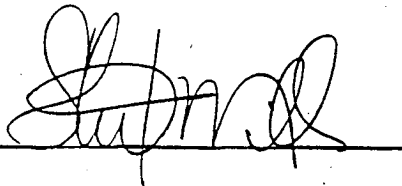


Bill R. Jenkins  
Forsyth County Commission Chairman

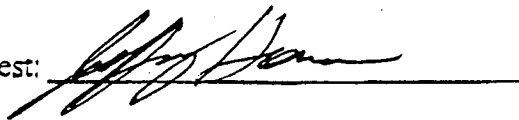


H. Ford Gravitt  
Mayor, City of Cumming

Attest:



Attest:



County Seal: .....

City Seal: .....

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AN AMENDED ORDINANCE FOR THE PURPOSE  
OF ESTABLISHING RULES AND REGULATIONS  
FOR LICENSING THE SALE OF DISTILLED SPIRITS,  
WINE AND MALT BEVERAGES WITHIN THE  
CITY OF CUMMING, GEORGIA

ARTICLE I - GENERAL RULES AND REGULATIONS

Section 1.1 License of the Sale of Alcoholic Beverages.

(a) Alcoholic beverages may be sold in the City of Cumming only after the issuance of a license for such sale by the City and only in the manner permitted by said license. Alcoholic beverages may be sold in the City only by a licensee who complies with the rules and regulations of this Ordinance, and with the licensing, regulatory and revenue requirements of the State of Georgia. Violations of this section may result in a fine and/or imprisonment.

(b) All licenses granted by the City for the sale of alcoholic beverages are a mere grant or privilege subject to all terms and conditions imposed by City Ordinance and State law and subject to being revoked by the City of Cumming.

(c) Each licensee of the City shall display the license prominently at all times at the outlet for which the license is issued. A separate license must be issued for each outlet of sale and a separate application must be made for each outlet.

Section 1.2 Definitions.

As used in this Ordinance, the term:

(a) Alcoholic Beverage(s) means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine as defined in this section.

(b) Applicant means any one or more persons applying for a City license or renewal thereof.

(c) Application means those forms required by the City to be completed by persons applying for an original license or a renewal license under this Ordinance.

(d) Beer and Malt Beverage means any alcoholic beverage obtained

by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination of such products in water, containing not more than six percent (6%) alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine.

(e) Church means any place of permanent public religious worship and shall exist if a building permit therefore has been obtained and construction of the Church building has commenced or substantial materials, or supplies for its construction, have been moved to the site.

(f) City shall mean the City of Cumming, Georgia.

(g) City Administrator shall mean the City Administrator of the City of Cumming, Georgia.

(h) City Council shall mean the City Council of the City of Cumming, Georgia.

(i) Distilled Spirits means any alcoholic beverage obtained by distillation or containing more than twenty-one percent alcohol by volume, including but not limited to, all fortified wines.

(j) Fortified Wine means any alcoholic beverage containing more than twenty-one percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation, or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

(k) Hotel means every building or structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed, sleeping accommodations are offered for adequate pay to travelers and guests, in which 50 or more rooms are used for the sleeping accommodations of such guests, and having one or more public dining rooms having a seating capacity of 100 persons or more where meals are regularly served to such guests. Motels meeting the qualifications set out herein for hotels, shall be classified as hotels for the purpose of this Ordinance.

(l) Immediate family shall include all persons related to each



other within the first degree of consanguinity and affinity as computed according to the canon law.

- (m) License shall mean the formal approval granted or issued by the City to a licensee for the sale of alcoholic beverages within the City of Cumming.
- (n) Licensee means the individual or business entity to whom the license is issued.
- (o) Mayor means the Mayor of the City of Cumming, Georgia.
- (p) Outlet means the definite structure, whether a room, shop, store, building, restaurant, or club, in which activities permitted by this Ordinance are conducted.
- (q) Package means a bottle, can, keg, barrel, or other original consumer container.
- (r) Person means any individual, firm, partnership, cooperative, non-profit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether a public, private or quasi-public.
- (s) Premises shall mean not only the structure, wherein an outlet for sale of alcoholic beverages is operated under a City license, but shall include all of the lot where on said outlet is located, except where such outlet is located in a hotel or shopping center.
- (t) Retail Consumption Dealer means any person who sells distilled spirits for consumption on the premises at retail, only to consumers and not for resale.
- (u) Retailer or Retail Dealer means, except for distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, Retailer or Retail Dealer means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.
- (v) Wholesaler or Wholesale Dealer means any person who sells

alcoholic beverages to other wholesale dealers, to retail dealers or to retail consumption dealers.

(w) Wine means any alcoholic beverage containing not more than twenty-one percent alcohol by volume, made from fruits, berries, or grapes, either by fermentation, or natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term wine does not include cooking wine mixed with salt or other ingredients to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(x) Zoning shall mean the zoning classifications as approved by the City of Cumming, Georgia.

### Section 1.3 Qualifications for Issuance of a License.

Any person who desires to obtain a license for the retail sale of alcoholic beverages by the drink or by the package must meet the minimum qualifications set forth in this section. If the application for license involves a partnership then at least one partner having no less than a 10% interest in the partnership must be qualified to obtain a license and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation then at least one stockholder owning no less than a 10% interest in the outstanding and issued stock of the corporation must meet all requirements of an individual applicant.

(a) No license shall be issued to an applicant who is under 21 years of age.

(b) No license for the sale of distilled spirits by the package shall be issued to any person unless an application is accompanied by a certificate from the Judge of the Probate Court of the County of applicant's residence, certifying that the applicant has been a bona fide resident of the county or

municipality for at least 12 months immediately preceding the application, and is a resident of a county or municipality where distilled spirits may be legally sold. All licenses other than those issued for the sale of distilled spirits by the package, may be issued to any person who is a citizen of the United States or an alien lawfully admitted to this country as a permanent resident.

(c) A license for the sale of alcoholic beverages may only be issued to an applicant of good moral character with mental and physical capacity to conduct such a business. The applicant shall not have been convicted within ten years of the date of his application of any felony in any county, state, federal or local court and/or been convicted of any violation of the laws of this State or the federal government relating to the sale of alcoholic beverages, gambling, or taxes, and/or any misdemeanor involving moral turpitude. A plea of nolo contendere for any felony or misdemeanor of any state or of the United States, or any municipal ordinance, except traffic violations, or the forfeiture of a bond (except traffic offenses) when charged with a crime is considered a conviction under this Ordinance. The City Council may, at its discretion, waive conviction of a misdemeanor if the Council determines that such conviction has no bearing on whether or not the applicant can or cannot operate the outlet in accordance with municipal, state and federal law. The applicant shall not have been denied or had revoked for cause within five years of the date of his application any license issued to him by the City of Cumming and/or any other city, county and/or state to sell alcoholic beverages of any kind.

(d) The applicant shall be the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license. If the premises are leased, a copy of the lease will be furnished with the application. If the lease provides that the payment of rent is based on a percentage of the gross and/or net sales of alcoholic beverages, then the owner of said leased premises is hereby deemed to have a

and expressly exclude buildings used by school officials solely for administrative purposes in which school children are not regularly taught. Unless otherwise provided by law, all measurements to determine distance required under this Ordinance for the issuance of an alcoholic beverage license, shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (1) From the front door of the structure from which the alcoholic beverages sold or offered for sale;
- (2) In a straight line to the nearest public sidewalk, walkway, street, road or highway;
- (3) Along such public sidewalk, walkway, street, road or highway by the nearest route;
- (4) To the front door of the school building, educational building, college campus building, college or church building.

Unless waived by the Administrator, all applications for a license shall have attached thereto a current certificate from a registered surveyor of this State showing a scaled drawing of the premises, the location on premises where the applicant desires to operate an alcoholic beverage outlet and the distance in linear feet by the most direct travel route as prescribed above to the nearest church building, school building, educational building, or college campus building.

- (i) No license shall be issued to any person who fails to comply with all the rules and regulations regarding the sale of alcoholic beverages contained in this Ordinance.
- (j) No license shall be issued to any person who owes any delinquent taxes, and/or assessments to the City of Cumming.

#### Section 1.4 The Application Process.

- (a) Any person desiring to sell alcoholic beverages by the drink or by the package shall make written application to the City for the appropriate license on forms prescribed by the City Administrator and filed with the City Administrator. All

applications shall be fully completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a partnership, then all partners shall sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a corporation, then all principal officers of the corporation and all stockholders holding more than ten percent of any class of corporate stock must sign the application in the presence of a notary public or other officer authorized to administer oaths. All applications shall be accompanied by the following:

(1) If the application is for a license authorizing the retail sale of distilled spirits by the package then a certificate of residency is required for all persons required to sign the application, unless the application is on behalf of a partnership or corporation, in which case a certificate of residency is required of at least one partner owning no less than a 10% interest in the partnership or at least one shareholder owning no less than a 10% interest in the outstanding and issued stock of the corporation.

(2) Unless waived by the Administrator, the application shall have attached a current certificate from a registered surveyor of this State, showing a scaled drawing of the premises, the location on the premises where the applicant desires to operate an alcoholic beverage outlet, and the distance in linear feet by the most direct route of travel as determined herein to the nearest church building, school building, educational building, or college campus building.

(3) If the outlet is to be located on leased premises, then a copy of the lease must be attached.

(4) If the applicant is a partnership, a copy of the partnership agreement, including amendments, shall accompany the application.

(5) If the applicant is a corporation, a copy of the

Articles of Incorporation and By-Laws, including amendments, shall accompany the application.

(6) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the Georgia Bureau of Investigation and to the Federal Bureau of Investigation, as specified under Georgia law. Each person required to sign the application for an original license and/or renewal license, authorizes the City of Cumming or its designated representatives to secure from any state, county, municipal or federal court any police department and/or law enforcement agency his, her, or its criminal history and civil history and further authorizes the City, its officers and employees to use such information in determining whether or not an alcoholic beverage license will be issued to the applicant. Further, the applicant authorizes the City of Cumming, its officers and employees to use such information in a public hearing if necessary, to determine whether or not the applicant's license should be denied, voided, cancelled and/or revoked. Each applicant waives any right or rights he, she or it may have under state or federal law, statute and/or court ruling to preclude the City from securing such criminal and/or civil history from any source and waives any right he, she or it may have to preclude the City from using such information publicly in determining whether the license will be issued to such applicant.

(7) The application shall be accompanied by a certified check for the full amount of the license fee together with a separate check for an investigative fee as determined by the Police Chief, but not less than \$150.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded but the investigative fee shall be retained by the City.

(b) All applications for licenses shall contain a full and complete statement of all material facts which tend to show

whether the applicant or applicants, or any member or members of their immediate families, own a financial interest in any other alcoholic beverage outlets, or any interest in a wholesale alcoholic beverage entity, and/or distillery or brewery, and what interest they and each of them will have in the alcoholic beverage outlet being requested from this City.

(c) The City Administrator may require any additional information and records he deems necessary. Failure to furnish such data shall automatically serve to dismiss the application. Any misstatement or concealment of fact in the application shall be grounds for denying a license or revoking an issued license, and shall make the applicant liable to prosecution for perjury under the laws of the State of Georgia.

(d) Each applicant shall certify that applicant has read this Ordinance and if the license is granted, each licensee shall maintain a copy of this Ordinance on the premises and shall require each of licensee's employees to be familiar with this Ordinance.

(e) Once an application, the accompanying documents, and the required investigative and license fees are filed with the City Administrator, a copy of the application and all accompanying documents shall be referred to the Chief of Police for the City of Cumming for a thorough investigation. The Chief of Police or his designee shall make a written report regarding the qualifications of the applicants to the City Administrator. If the report of the Chief of Police is favorable and the City Administrator finds that the applicant meets all other qualifications outlined by this Ordinance, then the City Administrator shall schedule the application for a hearing at the next regularly scheduled City Council meeting and shall so inform the applicant of this fact before such meeting and if the application is for the sale of distilled spirits by the package shall instruct the applicant to publish, prior to said meeting, in the newspaper which publishes the legal advertisements of the County, a notice in boldface type of applicant's intent to secure

a license for the sale of distilled spirits by the package; the exact location of the place of business for which a license is sought; the names and addresses of each owner of the business; and if the applicant is a corporation, the names and titles of all corporate officers. If the report of the Chief of Police is unfavorable, or if the City Administrator finds that the applicant fails to meet all of the qualifications outlined by this Ordinance, then the City Administrator shall inform the applicant, in writing, that his application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal; said appeal to be in accordance with Section 1.8 of this article.

(f) Any application which the City Administrator determines to satisfy all the qualifications outlined in this Ordinance, including character requirements as contained in the report of the Cumming Chief of Police, shall be scheduled for review at the next regularly scheduled meeting of the City Council. At that meeting, the applicant and any person opposed to said application has the right to present to the City Council any information which the City Council determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the City Council shall look to the public interest and welfare and shall have the sole discretion to grant or deny the application based on the information presented. A decision by the City Council shall be made within thirty (30) days from the date of the City Council meeting, and notice of that decision shall be mailed to the applicant. In the event the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal; said appeal to be in accordance with Section 1.8 of this article.

(g) At the time the applicant makes application for a license he shall, at his expense, post on the premises where the activities permitted by such license are to be conducted, a notice of the pending application meeting the following minimum specifications.



This notice shall be painted or printed in black letters three inches or more in height, against a white background, on a wooden or metal sign and having a surface of not less than twelve square feet, and shall be placed with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street, or highway abutting same, and not more than ten feet therefrom. The sign shall state clearly the nature and purpose of the application, and the name of the person, partnership, firm or corporation making the application.

(h) In all instances in which an application is denied under the provisions of this Ordinance, the applicant may not reapply for the same type of license for at least one year from the final date of such denial.

(i) Upon the issuance of a license, the licensee must have and continuously maintain in Forsyth County, a registered agent upon whom any process, notice or demand required or permitted by law, or under this Ordinance to be served upon the licensee may be served. This person must be an individual and must be a resident of Forsyth County, Georgia. The licensee shall file the name of such agent, along with the written consent of such agent, with the City Administrator in such form as he may prescribe.

(j) Upon approval by the City Council of the application for a license, the City Administrator shall issue a license in accordance with the approved application. When the applicant is applying for himself and a corporation or club, the license, if issued, shall be issued in the name of the approved applicant and the corporation or club. If the applicant is a partnership, the license will be issued in the name of one or more partners and the partnership. If the applicant is an individual, then the license shall be issued in the name of the individual. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1, shall pay the full license fee without pro-ration. License fees for licenses

granted on or after July 1, shall be one-half (1/2) of the annual license fee. License fees are not refundable once the license is granted by the City.

Section 1.5 Renewal of License.

(a) All licenses granted hereunder shall expire on December 31st of each year. Licensees who desire to renew their license shall file a renewal application accompanied by the requisite license fee and investigative fee with the City Administrator upon forms prescribed by the City Administrator on or before November 15th of each year without penalty. Applications for renewal filed after November 15th shall be subject to a penalty of ten percent of the license fee.

(b) Each application for renewal will show the date of the original application and state there have been no changes in any of the information and data contained in and/or furnished with the original application and that the applicant or applicants for renewal are familiar with applicable Georgia laws and regulations and with the rules and ordinances of the City. The renewal application must be signed and sworn to by all applicants in the presence of a notary public or other officer authorized to administer oaths. In the event it is discovered by the City that changes have occurred, which are in any way different from those facts shown in the original application and the documents furnished with the original application, the renewal shall be void. The applicant may be required to file a new application if changes have occurred in the information and data furnished with the original application. The applicant will furnish all information required by the renewal application and failure to furnish the information will be grounds for denying the application. A false statement made on the renewal application will void the application and shall make the applicant liable to prosecution for perjury under the laws of the State of Georgia.

(c) Each application for renewal of a license shall be approved or denied in accordance with the same procedures applicable to

failure to promptly account for and pay the excise tax levied on the sale of alcoholic beverages.

(b) Except as provided for transfers under Section 1.6 above, any change in the ownership of any entity owning a licensed outlet shall cancel and revoke any license issued hereunder automatically without the necessity of any hearing.

(c) All licensees must, within six months after the approval of said license, open for business the outlet referred to in the application for license, and begin the sale of the product or products authorized by the said license. Failure to open the outlet and begin the sales referred to above within the six months period, shall serve as automatic forfeiture and cancellation of the license and no refund of the license fee shall be made to the license holder.

(d) Any licensee who shall for a period of three consecutive months cease to operate the business and sale of the product or products authorized in the said license, shall after said three months period automatically forfeit the license, which license shall be cancelled without the necessity of any further action and without refund to the license holder.

(e) A license may be suspended or revoked by the City Administrator upon his learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this Ordinance.

(f) Whenever the State shall revoke any permit or license to sell alcoholic beverages, the City license shall thereupon be automatically revoked, without any action by the City. Any licensed outlet that is found to be in violation of the prohibited conduct provided for in this Ordinance, shall be subject to immediate license revocation in addition to all other penalties allowed.

(g) Any licensed outlet for the sale of distilled spirits by the drink shall be subject to immediate license revocation if said

have a review thereof by appeal to the City Council. Such appeal shall be by written petition filed in the office of the City Administrator within 15 days after the notice of the decision of the City is mailed to the applicant or licensee.

(d) A hearing shall be conducted on each appeal at the next regularly scheduled City Council meeting unless it is continued to such date as is agreed to by the appellant and the City Administrator. The appellant at such hearing shall have the right to be represented by an attorney, present evidence and cross-examine opposing witnesses at the expense of the appellant.

(e) The findings of the City Council shall be forwarded to the City Administrator after the conclusion of the hearing and it shall be the duty of the City Administrator to notify the appellant of the actions of the City Council.

(f) The findings of the City Council shall be final unless appealed within thirty (30) days of the date of said findings to the Superior Court of Forsyth County, Georgia.

(g) For the purpose of this Ordinance, notice shall be deemed delivered when personally served or when served by mail within three (3) days after the date of deposit in the United States Mail.

#### Section 1.9 Enforcement of this Ordinance.

(a) Sworn officers of the City Police Department and the City Administrator shall have the authority to inspect the outlet and premises licensed under the alcoholic beverage ordinances of the City during the hours when the outlet is open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this Ordinance and State law. This section is not intended to limit the authority of any other City officer to conduct inspections authorized by other provisions of law.

(b) In order to insure that the licensed premises are kept clean, and are in full compliance with all Ordinances and regulations of the City of Cumming, Forsyth County, and the State

of Georgia, the following representatives are authorized to inspect regularly the licensed premises:

(1) Representatives of the Forsyth County Health Department shall have the authority to inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all City of Cumming, Forsyth County, and State of Georgia health rules and regulations and report any violations to the City Administrator.

(2) The Cumming Fire Department shall have the authority to inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all City of Cumming, Forsyth County, and State of Georgia fire regulations and report any violations to the City Administrator.

(3) The City of Cumming has the right to have an inspector inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all technical codes of Cumming and report any violations to the City Administrator.

(c) Every licensee shall keep and preserve records of all alcoholic beverages purchased and sold by the licensee. The records shall be kept for a period of three years from the date of purchase and sale and should at all times be open to audit and/or inspection by the City Administrator or any designated City employee or any outside agent or agents for the City upon approval of such outside agent or agents by the City Administrator. Further, all licensees for the sale of distilled spirits by the drink shall keep and preserve records of all food and non-alcoholic beverages purchased and sold by said licensees. Such records shall be kept for three years from the date of purchase and sale and shall be at all times open for audit and inspection by the City Administrator and/or any designated City employee and/or any outside agent or agents of the City upon approval of said outside agent or agents by the City Administrator. In the event an audit is called for by the City Administrator, the City Administrator shall notify the licensee

of the date, time and place of the audit.

Section 1.10 Regulations as to employees.

(a) Any person employed by a licensee under this Ordinance shall be of good moral character and at least 18 years of age.

Provided, however, that this does not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores, or drug stores from selling or handling alcoholic beverages which are sold for consumption off the premises.

(b) No person may be employed by any one holding a license hereunder, unless such person has been fingerprinted by the police department of said City and has been issued a permit by the Chief of Police or his designee indicating the person is eligible for such employment. Provided, however, employees whose sole duty is that of cashier or stockman and/or bag boy who work in grocery stores, convenience stores, drug stores and similar establishments will not be required to receive a permit as such duties do not constitute handling of alcoholic beverages under the provisions of this section. Provided further, that one person must be on duty at all times at each outlet who has been cleared to handle alcoholic beverages at the outlet.

(c) No permit shall be issued until such time as the employee has completed the forms furnished by the Chief of Police and provided all information considered necessary by the Chief of Police to make a decision in regard to the employee's request for permission to work in an alcoholic beverage outlet. The employee-applicant shall make himself available for photographing, fingerprinting and such other investigating as may be required by the Cumming Police Department. The employee applicant shall pay a fee of \$5.00 to the City for each search and report. The application shall include, but shall not be limited to, the name, date of birth, and prior arrest record of the employed. The presence of an arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt.

(d) The Chief of Police shall have a complete and exhaustive search made relative to any police record of the employee-applicant. In the event there is no record of a violation of any provision of this Ordinance, the Chief of Police shall issue a permit to the employee stating that the person is eligible for employment. If it is found that the employee-applicant is not eligible for an employment permit, the Chief of Police shall notify the applicant and the employer that this person is not eligible for such employment.

(e) It shall be the duty of the licensee, at the time he files his application for a license to sell alcoholic beverages, to file with the Chief of Police a list of the names and addresses of all present and prospective employees who are involved with the sale and/or handling of alcoholic beverages. It is the duty of the licensee who sells alcoholic beverages to file with the Chief of Police a list of any subsequent employees to be hired who will be involved with the sale and/or handling of alcoholic beverages.

(f) Any permit issued by the Chief of Police to an employee may be revoked if said permit is issued through administrative error or through an error in completing the background investigation. The City Administrator may revoke a permit and demand its surrender when the employee violates the provisions of this Ordinance, or becomes one who adversely affects the public health, safety and welfare. The Chief of Police may conduct a new search on any permitted employee when the Chief of Police receives information in regard to such employee which warrants a recheck. If the search reveals evidence which warrants cancellation of the permit, the employer and employee will be so notified. It shall be unlawful for an employee or employer to refuse to surrender any permit revoked or cancelled.

(g) No licensee shall allow any employee required to hold a permit to work on the licensed premises, unless the licensee has on file on the premises, the current valid permit of each such employee.

(h) In the event that any permit holder leaves the employment of a licensed outlet, the licensee shall immediately surrender the permit to the City Police Department.

(i) All permits issued hereunder remain the property of this City and shall be produced for inspection upon demand by any sworn officer of the City Police Department.

(j) The licensee is responsible for the conduct or actions of his employees while in his employment. It shall be the duty of the licensee hereunder to maintain a copy of this Ordinance at the outlet and to instruct each and every employee engaged in the sale and/or handling of alcoholic beverages of the terms hereof.

Section 1.11 Restrictions and Prohibitions.

(a) It shall be unlawful for any person to manufacture, sell, or possess for the purpose of sale, any alcoholic beverage when such person does not have a license from the City to sell or possess or manufacture for sale such beverage.

(b) Except as otherwise authorized by law, no licensee shall sell or permit to be sold alcoholic beverages to any person under the legal drinking age as prescribed by Georgia law.

(c) No licensee shall permit on the licensed premises the sale, barter, exchange, giving, providing or furnishing alcoholic beverages to any person who is in a state of noticeable intoxication.

(d) No licensee shall permit the sale of alcoholic beverages on Sunday. The sale of alcoholic beverages is permitted on election days in outlets not located within 250 feet of a polling place.

(e) No licensee authorized to sell alcoholic beverages by the package shall sell or permit to be sold any single beer, wine cooler, similar alcoholic beverage that is customarily packaged for sale as part of a four pack, six pack, twelve pack, or similar package.

(f) No licensee permitted to sell distilled spirits by the package shall permit any person under the legal drinking age as prescribed by Georgia law to be in, frequent, or loiter about



the licensed premises unless this person is accompanied by a parent, legal guardian, or custodian, provided, however, that this section shall not apply to persons who are employees under the terms of this Ordinance.

(g) All licensees shall require and properly check identification to insure an underaged person is not sold, served, or has in his possession alcoholic beverages while in a licensed establishment. Identification in this section shall mean any document issued by a governmental agency containing a description of the person, or the person's photograph, and giving such person's date of birth, and including, but without being limited to, a passport, military ID card, driver's license, or state department public safety ID card. Proper identification shall not include a birth certificate.

(h) No licensee shall permit on the licensed premises any person performing acts of, or acts which constitute or simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law or the touching, caressing, or fondling of the breasts, buttocks, anus or genitals or the displaying of any portion of the areola of the breast, or any portion of the pubic hair, cleft of the buttocks, anus, vulva, or genitals the showing, display or exhibit of any film, still picture, or electronic reproduction or any other visual reproduction or image of any act or conduct described herein. No licensee shall permit on the licensed premises any person using artificial devices or inanimate objects to depict any of the prohibited activities described above. No licensee shall permit any person to remain in or about the licensed premises who exposes to public view any portion of the areola of the breast, or any portion of the pubic hair, cleft of the buttocks, anus, vulva, or genitals. No licensee shall employ on the premises any person who is convicted in the preceding five (5) years of committing any of those acts prohibited above.

(i) No licensee authorized to sell alcoholic beverages by the package shall permit the consumption of alcoholic beverages on

the premises.

(j) No licensee authorized to sell alcoholic beverages by the drink shall permit any person to remove from the licensed premises any alcoholic beverage sold or dispensed for consumption on the premises.

(k) No person employed or working in any capacity at any licensed outlet shall solicit or encourage patrons to purchase drinks to be consumed by or otherwise disposed of by any such person so employed or working.

(l) No licensee shall add to the contents of a bottle or refill an empty bottle or in any other manner misrepresent the quantity, quality, or brand name of any alcoholic beverage. No retail licensee shall purchase alcoholic beverages from any person, firm, or corporation other than a wholesaler licensed under this Ordinance. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this Ordinance.

(m) It shall be unlawful for any delivery to be made to and/or sales be made outside of the outlet. It shall be unlawful to sell or dispense alcoholic beverages from "drive-in" or service windows. The consumption and/or sale of alcoholic beverages shall be allowed in open areas and patios, provided that such open areas and patios are not visible from the exterior of the premises, and further provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such outlet, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.

(n) No licensee for the sale of alcoholic beverages by the drink shall engage in any happy hour promotions. The licensee is expressly prohibited from selling any alcoholic beverage at a price other than the price customarily charged by the licensee. The phrase "customarily charged" means the price regularly charged for such alcoholic beverage during the same calendar week. (o) The licensee shall keep the premises clean, and in proper sanitary condition, and in full compliance with provisions and regulations governing the conditions of premises used for the

storage and sale of food for human consumption.

(p) No licensee shall permit on the premises any gambling, betting, games of chance, punch boards, vending machines, slot machines, pin ball machines, video machines, or similar machines which are in violation of the gambling provisions of the State of Georgia. No games of any type are allowed in outlets licensed for the sale of distilled spirits and/or beer and wine by the package. Pin ball, electronic, or similar machines not in violation of the gambling laws of the State of Georgia are permitted in outlets authorized to sell alcoholic beverages by the drink, provided there are no more than three (3) such machines in any outlet where alcoholic beverages are served or consumed. Pool and/or billiards may not be played in any room where alcoholic beverages are sold or consumed.

(q) When a change occurs in the relationship of any person, or in the status of any property or license, or any change in payment of rents, ownership of the lease, or building or land on which the outlet is located, any change in corporate ownership or management, any loss or damage to goods which results in a claim against an insurance policy and any change in the division of profits, any change in any division of net or gross sales for any purpose whatsoever, and any change in facts stated or claimed in any application or report herein required, a sworn statement of such change in all material facts relating thereto shall be filed with the City Administrator and failure to do so within five (5) days after such change shall, unless such time limit is extended for good cause, be reason for cancellation of a license granted pursuant to the provisions of this Ordinance.

(r) Any violation of the provisions contained under this section may result in the suspension or revocation of the license held by the licensee.

#### Section 1.12 Advertising.

(a) No advertisement of any kind advertising alcoholic beverages for sale or advertising the brand names or prices of alcoholic

beverages shall be permitted in the City of Cumming except for advertisements inside the licensed outlet which are not visible from the outside of the outlet. A licensee may advertise his business name or trade name on or off the premises, provided said business or trade name does not include any of the following words or combination thereof: "liquor", "whiskey", "beer", "wine", "alcohol", "alcoholic", "champagne", "booze", "distilled spirits" and "malt".

(b) A licensee authorized to sell distilled spirits by the package shall affix to each bottle or container of distilled spirits, or to the edge of the shelf whereon such bottles or containers are located directly beneath such bottles or containers, a tag showing the prices of individual bottles or containers. A licensee authorized to sell alcoholic beverages for consumption on the premises shall display inside the place of a business their current prices.

(c) The exterior of each building where alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times when the premises are opened for business.

(d) The licensee shall post in a prominent location on the licensed premises, in a manner whereby it may be easily viewed by patrons, an approved sign setting forth or summarizing the laws of the City and the State of Georgia in regard to the sale of alcoholic beverages to underaged, intoxicated, or pregnant persons. Each such sign shall be of a size and configuration approved by the Department of Revenue of the State of Georgia and said sign shall be made available to said licensee by the City Administrator at a price to be established by the City.

## ARTICLE II - MALT BEVERAGES AND WINE - ORIGINAL PACKAGE

### Section 2.1 License Fees.

The license fee for a license to sell malt beverages and wine by

the package shall be paid to the City Administrator in the amount of \$750.00 by certified or cashier's check at the time of the filing of the original application or any renewal thereof.

Section 2.2 Excise Tax on the Sale of Beer and Malt Beverages.

The City of Cumming does hereby levy a tax on the sale of beer and malt beverages of five cents (\$.05) per twelve (12) ounces and a proportionate tax at the same rate on all fractional parts of twelve (12) ounces sold by wholesalers to retail package outlets in the City of Cumming. Further, there is also levied by the City an excise tax on tap or draught beer of six dollars (\$6.00) per each container sold by wholesalers to retail package outlets in the City of Cumming and containing not more than fifteen and one-half gallons and a like rate for fractional parts where the draught beer is sold in or from barrel or bulk containers. The wholesaler shall remit these taxes to the City of Cumming on a monthly basis.

Section 2.3 Excise Tax on the Sale of Wine.

There is hereby levied an excise tax of twenty-two cents (\$.22) per liter on wines sold by a wholesaler to retail package outlets in the City of Cumming and a proportionate tax at the same rate on all fractional parts of a liter. The wholesaler shall remit the tax of twenty-two cents (\$.22) per liter to the City of Cumming on a monthly basis.

Section 2.4 Type of Retail Outlet.

Beer and wine may be sold at retail, by the package, only in:

(a) Outlets duly licensed to sell distilled spirits by the package; or

(b) Outlets maintaining seventy-five percent (75%) of the floor space and storage area in a manner which is devoted principally to the retail sale of other foods and groceries.

Section 2.5 Hours of Sale.

Retail package outlets shall engage in the sale of beer and/or wine only between the hours of 6:00 A.M. and 11:45 P.M. Monday through Saturday. No package beer and/or wine may be sold on Sunday. The sale of beer and wine is allowed on election days provided the outlet is not located within 250 feet of a polling place.

Section 2.6 No Consumption on Premises.

It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of malt beverages or wine by the package and it shall be unlawful for any licensee by the package to open for, or break the package for, a purchaser and/or permit the consumption of alcoholic beverages on said premises.

ARTICLE III - DISTILLED SPIRITS - ORIGINAL PACKAGE

Section 3.1 License Fees.

A license fee for the sale of distilled spirits in the original package shall be paid by certified or cashier's check to the City Administrator by the licensee in the amount of \$3,000.00, payable at the time of the application for the license or renewal thereof.

Section 3.2 Excise Tax.

The City does hereby levy an excise tax of twenty-two cents (\$.22) per liter on all distilled spirits, except for fortified wines, sold by wholesaler to a retail outlet authorized to sell distilled spirits by the package and a proportionate tax on the same rate or all fractional parts of a liter. The wholesaler shall remit the tax to the City of Cumming on a monthly basis.

Section 3.3 Types of Outlets Where Package Sales Permitted.

(a) Distilled spirits by the package may be sold at retail, only in:

(1) Outlets duly licensed to sell distilled spirits by the package; and

(2) Outlets which are devoted exclusively to the retail sale of distilled spirits, beer and wine by the package with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building or adjoining building, except in hotels, motels, and high-rise office buildings where every public entrance to this outlet shall be from a lobby, hallway, or other interior portion of the primary use structure.

(b) Nothing in this section shall prohibit the retail sale within these outlets of liquid commodities and mixes normally used in the preparation and serving of distilled spirits. It is the intention of this section to allow the retail sale of distilled spirits by the package only in outlets devoted exclusively to the sale of distilled spirits, beer and wine and to prohibit such sales in outlets that sell groceries, food, gasoline and other such commodities.

#### Section 3.4 Hours of Sale.

The sale of distilled spirits by the package shall occur only between the hours of 9:00 A.M. and 11:45 P.M. on Monday through Saturday. No sale of distilled spirits by the package shall occur on Sunday. The sale of distilled spirits by the package is permitted on election days provided the location of the outlet is not within 250 feet of a polling place.

#### Section 3.5 Consumption on the Premises.

It shall be unlawful for any person to consume any alcoholic beverage on premises licensed for the sale of distilled spirits by the package and it shall be unlawful for any licensee authorized to sell distilled spirits by the package to open for, or break the package for a purchaser, and/or permit the consumption of alcoholic beverages on said premises.

Section 3.6 Listing of Prices.

Licensee shall indicate plainly by tag or labels on the bottles or containers, or on the shelf immediately below where the bottles or containers are placed, the prices of all distilled spirits exposed for sale. The licensee shall not display prices or brand names in such a way as to be visible from the outside of the establishment.

ARTICLE IV - ON PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES

Section 4.1 Locations Where Prohibited.

No alcoholic beverages may be sold by the drink for consumption on the premises, except in eating establishments regularly serving prepared food, with a full service kitchen (a full service kitchen will consist of a four compartment pot sink, a stove or grill permanently installed and a refrigerator, all of which must be approved by the Health and Fire Departments) prepared to serve food every hour they are open and prepared to seat 50 or more persons, pursuant to the applicable building, fire and safety codes in effect for the City. When located in hotels, motels, and high-rise office and apartment buildings, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure. Outlets not located within hotels shall derive a minimum of fifty percent (50%) of their total annual gross food and beverage sales from the sale of prepared meals or food. Hotels containing such outlets shall derive a minimum of fifty percent (50%) of their total annual gross income from the sales of prepared meals or food and from the rental of rooms for overnight lodging. On or before the 15th day of each calendar month, each such outlet shall file a report of the previous calendar month's operations with the City Administrator verifying compliance with the above provisions. Such report shall be filed on forms designated by the City Administrator. Any licensed outlet that fails to meet the appropriate percentage requirements



for two consecutive months shall be subject to immediate revocation. An audit may be required at any time to insure compliance with these provisions. If such outlet provides a bar or counter service for the sale of alcoholic beverages for on premises consumption, the seating for such bar shall not exceed ten percent (10%) of the total seating capacity of the outlet; provided, however, that this limitation of seating capacity shall not apply to hotel bars that are available for the use of hotel guests. Nothing in this section shall be deemed to prohibit hotel room service of alcoholic beverages or to prohibit a hotel from maintaining a bar separate from the restaurant facility, provided access to said bar shall be from a public lobby, hallway, mall or other publicly used interior portion of the hotel.

Section 4.2 License Fees.

The licensee shall pay by certified or cashier's check a license fee for the sale of distilled spirits for consumption on the premises to the City Administrator in the amount of \$2,000.00 to be paid at the time of application for said license or renewal thereof.

The licensee shall pay by certified or cashier's check a license fee for the sale of beer and wine for consumption on the premises to the City Administrator in the amount of \$1,000.00 to be paid at the time of application for said license or renewal thereof.

Section 4.3 Excise Tax.

The City hereby imposes an excise tax upon every purchase of an alcoholic beverage for consumption on the premises of three percent (3%) of the purchase price of said beverage. Said tax shall be paid by the licensee to the City, and remitted monthly by said licensee. The imposition of this tax shall be administered pursuant to the following rules and regulations:

- (a) Every licensee or his agent is hereby authorized and

directed to collect the tax imposed herein from purchasers of alcoholic beverages by the drink within the licensed premises. Such licensee or agent shall furnish such information as may be required by the City Administrator to facilitate the collection of the tax.

(b) If requested by the purchaser, every licensee for the sale of alcoholic beverages by the drink shall at the time of collection for food and drinks served give to the purchaser a receipt on which the purchase price and tax imposed by this article on alcoholic beverages by the drink shall be itemized separately. In all cases where the collection of food and drinks is by deferred payment or credit, the licensee is liable at the time of, and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The City Administrator and the City Council shall have the authority to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

(c) The taxes imposed by this section shall become due and payable from the purchaser at the time of purchase of any alcoholic beverage by the drink in this City. The full amount of such taxes collected by the licensee shall be due and payable to the City of Cumming monthly, on or before the 20th day of the month following each monthly period. On or before the 20th day of the month following each monthly period a return for the preceding monthly period shall be filed with the City Administrator in such form as the City Administrator may prescribe by every licensee liable for the payment of tax hereunder; all returns shall show the gross receipt from the sale of alcoholic beverages by the drink and the amount of the tax collected on such drinks.

(d) If the City Administrator has cause to believe that the return, or the amount of the tax required to be paid to the City by any licensee is not proper, he may compute and determine the amount required to be paid upon the basis of any information that is available to him. Should the City determine that a deficiency

exists in the amount of tax due by licensee for one or more monthly periods, the amount of the deficiency shall bear interest at the rate of one and one-half percent (1.50%) per month, or fraction thereof from the due date of taxes. The City Administrator or his designated representative shall give to the licensee written notice of this deficiency determination, and notice may be served by police officer or by mail; if by mail such service shall be addressed to the registered agent of the licensee. Service by mail is complete when delivered by certified mail a receipt signed by the addressee or by receipt of mailing. Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

(e) If any licensee fails to make a return, the City Administrator shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, the amount of the total sales within the City which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return, and shall be based upon any information which is available to the City Administrator. Written notice shall be given in the manner prescribed in the preceding paragraph. The amount of the determination shall bear interest at the rate of one and one-half percent (1.50%) per month, or fraction thereof, from the 20th day of the month following the monthly period for which the amount or any portion thereof would have been returned until the date of payment.

(f) Any licensee who fails to pay the tax herein imposed, or fails to pay any amount of the tax required to be collected and paid to the City within the time required, shall pay a penalty of twenty percent (20%) of the tax or amount of the tax in addition to the tax or amount of the tax plus interest on the unpaid tax

or any portion thereof as set forth in the preceding section.

(g) At any time within three years after any tax, or any amount of tax required to be collected becomes due and payable, and at any time within three years after the delinquency of any tax, or any amount of tax required to be collected, the City may bring an action in the Courts of this State, any other state or of the United States to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney's fees, and other legal fees incident thereto. Whenever the amount of any tax, penalty, or interest has been paid more than once, or has been erroneously or illegally collected or received by the City under this Ordinance, it may be offset against any future liability for the tax. If the licensee determines that he has overpaid or paid more than once, which fact has not been determined by the City Administrator, he will have three years from the date of payment to file claim in writing, stating the specific ground upon which his claim is founded. The claim shall be audited. If the claim is approved by the City Administrator, the excess amount paid the City may be credited on any amounts then due and payable from the licensee, or may be refunded to the licensee if the licensee is no longer operating a licensed premises in the City .

(h) The City Administrator shall administer and enforce the provisions of this section for the collection of the tax imposed by this section. Every licensee for the sale of alcoholic beverages by the drink in the City shall keep such records, receipts, invoices, and other pertinent papers in such form as the City Administrator may require. The City Administrator or any person authorized in writing by the Mayor and City Council may examine the books, papers, records, financial reports, equipment, and other facilities of any licensee liable for the tax in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. In the administration of the provision of this section, the City Administrator may require the

filing of the reports by any person or class of persons having in such person's or person's possession or custody information relating to purchases which are subject to the tax. The report shall be filed with the City Administrator and shall set forth the purchase price for each purchase, the date or dates of purchase, and such other information as the City Administrator may require. The licensee shall keep a copy of this Ordinance at the outlet at all times. All employees of the licensee will be informed of the contents of this section.

(i) Any person violating any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine and/or imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued, or permitted by such person and shall be punished accordingly. Any licensee or any other person who fails to furnish any return required to be made, or fails or refuses to furnish a supplemental return or other data required by the City Administrator, or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof, shall be punished as aforesaid.

#### Section 4.4 Hours of Sale.

Alcoholic beverages shall not be sold for consumption on the premises except between the hours of 9:00 A.M. and 1:00 A.M. Monday through Friday and between 9:00 A.M. and 11:45 P.M. on Saturday. There shall be no sale of alcoholic beverages for consumption on the premises on Sunday. Alcoholic beverages may be sold for consumption on the premises on election days provided the outlet for such sale is not located within 250 feet of a polling place.

#### Section 4.5 Consumption Sales Only.

Licensees authorized to sell alcoholic beverages for consumption on the premises shall not be permitted to sell alcoholic

beverages by the package at that outlet and shall not permit a purchaser to remove from the premises any alcoholic beverage.

Section 4.6 Licensee's Price List.

Licensees of alcoholic beverages for consumption on the premises shall display in prominent places, inside the outlet and/or on menus their current prices of distilled spirits, wine, champagne, or malt beverage by the drink and the quantity of such beverage to be served. The licensee shall furnish to any customer who desires or requests an itemized bill of charges which shall not exceed the price list displayed. Provided, however, all licensees will keep a record of all sales of alcoholic beverages sold on which the excise tax is required to be paid under this Ordinance. No display of prices or brand names of alcoholic beverages to be served shall be displayed in such a manner as to be visible from the outside of the licensed outlet.

Section 4.7 Patios and Open Areas.

The consumption of alcoholic beverages shall be allowed in open areas and patios, provided that such open areas and patios are not visible from the exterior of the premises and further provided that the licensee is in compliance with all other appropriate regulations, as to the safe and orderly operation of such establishment, including, but not limited to regulations pertaining to maximum capacity, ingress, and egress.

Section 4.8 Happy Hour Promotions Prohibited.

No licensee shall advertise a happy hour. No licensee may serve discounted drinks, or increase the volume of alcoholic beverage contained in a drink without proportionately increasing the price customarily charged for such beverage. As used in this code section, the phrase "customarily charged" means the price regularly charged for such alcoholic beverage in the same calendar week.

Section 4.9 Lighting.

The exterior of each building where alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times when the outlet is opened for business. Also, the lounge and restaurant areas, including all tables, booths, and other areas where customers are served, and all passageways shall be sufficiently well illuminated so that customers may be viewed by others inside the outlet.

Section 4.10 Sawnee Community Center.

- (a) The sale of alcoholic beverages and consumption on the premises for the Sawnee Community Center, a/k/a, Sawnee Center shall be allowed.
- (b) The City of Cumming shall issue an annual license for consumption on the premises to one qualified applicant for the Sawnee Community Center (said applicant may be independent of the Center). The licensee must meet all requirements of this Ordinance for the issuance of the license for the sale of alcoholic beverages for consumption on the premises. Any application for said license shall be accompanied by a signed agreement with the Sawnee Community Center appointing and approving said applicant on behalf of the Sawnee Community Center.
- (c) The Sawnee Community Center licensee shall be exempt from the food sale requirements provided for in Section 4.1 of this Ordinance.
- (d) No alcoholic beverages shall be sold, possessed, or consumed on the premises of the Sawnee Community Center unless the alcoholic beverages are delivered by or sold by the holder of the consumption on the premises license issued pursuant to this section.

ARTICLE V - WHOLESALERS.

Section 5.1 License required.

Any wholesale dealer in alcoholic beverages licensed by the State of Georgia or the agent of such wholesale dealer, shall be granted a license to distribute such beverages in the City of Cumming upon application for such license to the City Administrator and the presentation of satisfactory evidence that he understands the alcoholic beverage rules and regulations of this City and the conditions under which retail licenses are issued.

Section 5.2 License fees.

A wholesaler of alcoholic beverages sold in the City of Cumming, shall pay to the City Administrator the following annual license fees:

- |                       |            |
|-----------------------|------------|
| (a) Distilled spirits | \$3,000.00 |
| (b) Beer              | 1,000.00   |
| (c) Wine              | 1,000.00   |

Said license fees are payable at the time of application for a license or renewal thereof.

Section 5.3 Excise taxes.

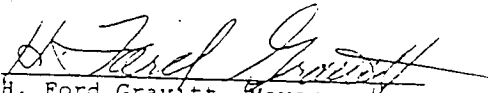
All wholesale dealers engaged in the wholesale distributions of alcoholic beverages to retail package outlets in this City shall pay to the City Administrator an excise tax of twenty-two cents (\$.22) per liter of wine for each liter of wine sold to retail package licensees and a proportionate tax at the same rate on all fractional parts of a liter. Further, all wholesale dealers will pay to the City of Cumming an excise tax for malted beverages sold to retail package outlets in this City, equal to five cents (\$.05) per twelve ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces. Further, the wholesale dealers will pay to the City an excise tax on tap or draught beer in the sum of six dollars (\$6.00) for each container sold





be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Council hereby declares that it would have passed this Ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

Section 6.2 Effective date. This Ordinance shall become effective immediately upon its adoption and any and all ordinances and resolutions or parts thereof in conflict with this Ordinance be and the same are hereby repelled.

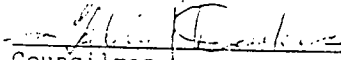
Amended this 21st day of April, 1992.

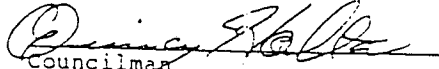
  
H. Ford Grayitt, Mayor

  
Councilman

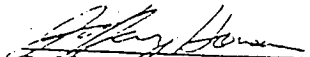
  
Councilman

  
Councilman

  
Councilman

  
Councilman

Attest:

  
Jeffery Honea, City Clerk



# SERVICE DELIVERY STRATEGY SUMMARY OF SERVICE DELIVERY ARRANGEMENTS

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH Service: BUSINESS LICENSE

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider. (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (e.g., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonds, indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
BUSINESS LICENSE SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY	1998 - current
	CITY OF CUMMING	1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

City of Cumming Charter, State of Ga. Constitution Article 9-Counties & Municipal Corporations  
City of Cumming Business License Ordinance, Forsyth County Business License Ordinance.

7. Person completing form: Gerald Blackburn Stevie P. Mills  
City Manager County Administrator

Phone number: 781-2010 / 781-2101 Date completed: 5/4/98

8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
If not, provide designated contact person(s) and phone number(s) below:

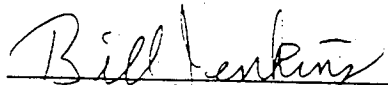
**Comprehensive Plan Pertaining to  
Business License Service Delivery Strategies  
Cumming and Forsyth County**

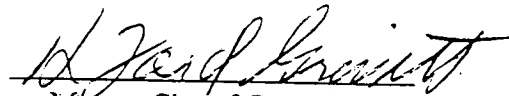
Forsyth County offers this service through the Forsyth County Planning and Development Department. They issue business licenses to all businesses located outside the corporate limits of the City of Cumming.

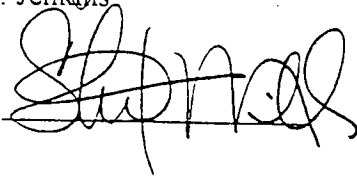
The City of Cumming offers this service through the Cumming City Clerk's Office.

Each entity's department provides this service to their respective constituents and have done so in the past, without conflict, while cooperating with one another in this area. Forsyth County and the City of Cumming have an understood reciprocal agreement whereby each entity's business licenses are honored by the other until the end of the year in which they were purchased. At the beginning of the new year, the business owner would purchase a new license from the political subdivision wherein the business is physically located. It is the desire of both entities to make this agreement official by the signing of this document.

We, the undersigned agree that the **Business License Service Delivery Strategy** in place has proven to be an efficient and effective way of licensing the businesses throughout both jurisdictions, with each entity providing the service for a specific area under separate funding and see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

  
\_\_\_\_\_  
Forsyth County Commission Chairman  
Bill R. Jenkins

  
\_\_\_\_\_  
Mayor, City of Cumming  
H. Ford Gravitt

Attest: 

Attest: 

County Seal:

City Seal:

chief of police or to any police officer of the City upon request.

**Sec. 22-32. Definitions.**

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

*Administrative fee* means a component of an occupation tax that approximates the reasonable cost of processing and handling the occupation tax and accompanying returns.

*Business* means any person who, within the corporate limits of the City, engages in, causes to be engaged in, and/or represents himself to be engaged in, any occupation or activity with the object of gain, benefit, or advantage either directly or indirectly. Any person advertising by any means, including, but not limited to, signs, cards, circulars, and newspapers, that he is engaged in a business of any kind, shall be liable for the appropriate occupation tax required under this Ordinance and the payment of the appropriate fee therefor. No business required by this Ordinance to secure an occupation tax payment certificate shall be exempt from the payment of such occupation tax on the grounds that such business is operated for a charitable purpose, unless at least eighty (80%) percent of the proceeds of such business are utilized for charitable purposes.

*City*, as used in this Ordinance, shall refer to the City of Cumming, a Georgia municipal corporation.

*Date of commencing operations* means the date on which a business theretofore not engaged in commercial transactions within the City becomes engaged in business.

*Dominant line* means the type of business, within a multiple-line business, that the greatest amount of income is derived from.

*Employee* means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2, but not a form I.R.S. 1099. Employee also means owners, partners, officers, or managers who work for a business, whether or not such person is salaried.

*Location of office* shall not include a temporary work site that serves a single customer or project.

*Number of employees* of the business or practitioner, as computed on a full-time position basis or a full-time position equivalent basis, provided that for the purposes of this computation an employee who works forty (40) hours or more weekly shall be considered a full-time employee and that the average weekly hours of employees who work less than forty (40) hours weekly shall be added and such sum shall be divided by forty (40) to produce full-time position equivalents.

*Occupation tax* means a tax levied on persons, partnerships, corporations, or other entities for engaging in an occupation, profession, or business for revenue raising purposes.

*Ordinance* means the Occupation Tax Ordinance of the City.

*Person* includes sole proprietors, corporations, partnerships, nonprofit organizations or any other form of business organization, but specifically excludes charitable nonprofit organizations that utilize eighty (80%) percent of their proceeds for charitable purposes.

*Practitioner of profession or occupation* is one who by state law requires state licensure regulating such profession or occupation as designated by O.C.G.A. § 48-13-9(c), but does not

include a practitioner who is an employee of a business if the business pays an occupation tax.

*Regulatory fees* mean payments, whether designated as license fees, permit fees or by another name, required by the City as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the City. A regulatory fee may not include an administrative fee. Development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development are not regulatory fees.

**Sec. 22-33. Administrative and regulatory fee structure; occupation tax structure.**

(a) A nonprorated, nonrefundable administrative fee in the amount of twenty-five (\$25.00) dollars shall be required on all business and occupation tax accounts for the initial start-up, renewal, or reopening of these accounts.

(b) A regulatory fee will be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. A regulatory fee may not include an administrative fee.

**Sec. 22-34 Occupation tax levied; restrictions.**

(a) *Levied.* An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices in the corporate limits of the city and the applicable out-of-state businesses with a location or office in the state pursuant to O.C.G.A. § 48-13-7 based upon the number of employees of the business or practitioner.

(b) *Occupation tax schedule.* The tax rate determined by number of employees for each business, trade, profession, or occupation shall be as follows and will be developed and updated from time to time by the city clerk's office:

(1) Employees	Tax Liability
0-1	\$75.00
2	\$150.00
3-9	\$150.00 + \$12.50/empl. over 2
10-99	\$237.50 + \$15.00/empl. over 9
100-499	\$1,587.50 + \$17.50/empl. over 99
500 or more	\$8,587.50 + \$20.00/empl. over 499

(c) *Restrictions.*

(1) No business or practitioner shall be required to pay more than one occupation tax for each of its locations.

(2) No occupation tax shall be required from real estate brokers, agents or companies whose offices are located outside the taxing jurisdiction and who sell property inside the taxing jurisdiction.

(3) An occupation tax shall not be levied in any other manner except as described in this section.

(4) Out-of-state businesses with no location in Georgia shall be assessed occupation taxes based on the number of employees engaged in substantial efforts in Georgia.

**Sec. 22-35. Paying occupation tax of business with no location in state.**

(a) Registration and assessment of an occupation tax is imposed on those businesses and practitioners of professions with no location or office in the state if the business's largest dollar volume of business in the state is in the City and the business or practitioner:

(1) Has one or more employees or agents who exert substantial efforts within the jurisdiction of the City for the purpose of soliciting business or serving customers or clients; or

(2) Owns personal or real property that generates income and is located within the jurisdiction of the City.

(b) Any business or practitioner of a profession with no location or office in the State of Georgia shall be exempt from assessment of an occupation tax under this Ordinance if such business or practitioner submits proof of payment of a local business or occupation tax in another state on the business's or practitioner's sales or services in the State of Georgia.

**Sec. 22-36. Lines of business to be identified on business registration.**

The business registration of each business operated in the City's jurisdiction shall identify the line or lines of business that the business conducts. No business shall conduct any line of business without having that line of business registered with the city clerk's office and that line of business being noted by the city clerk's office upon the business registration form, which is to be displayed by the business owner.

**Sec. 22-37. The number of businesses considered to be operating in the City.**

Where a person conducts business at more than one fixed location, each location or place shall be considered a separate business for the purpose of an occupation tax.

**Sec. 22-38. Professionals as classified in O.C.G.A. § 48-13-9(c), paragraphs 1 through 18.**

(a) Prior to January 1 of each year, practitioners of professions as described in O.C.G.A. § 48-13-9(c)(1)-(18) shall elect as the entire occupation tax one of the following:

(1) The occupation tax based on number of employees as set forth in Sec. 22-34 of this Ordinance; or

(2) A fee of \$200.00 per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location; however, a practitioner paying according to this subsection shall not be required to provide information to the local government relating to the number of employees of the business or practitioner.

(b) The per-practitioner fee provided for in this section applies to each person in the business who qualifies as a practitioner under the state's regulatory guidelines and framework.

**Sec. 22-39. Practitioners exclusively practicing for a government.**

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state or instrumentalities of the United States, the state, a municipality or county of the state shall not be required to obtain a license or pay an occupation tax for that practice.

**Sec. 22-40. Purpose and scope of tax.**

The occupation tax levied in this Ordinance is for revenue purposes only and is not for regulatory purposes; nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling. The occupation tax only applies to those businesses and occupations covered by the provisions of O.C.G.A. §§ 48-13-5 to 48-13-26. All other applicable businesses and occupations are taxed pursuant to the pertinent general and/or local law and ordinance.

**Sec. 22-41. When tax due and payable; effect of transacting business when tax delinquent.**

(a) Each occupation tax shall be for a calendar year unless otherwise specifically provided. The registration and occupation tax shall be payable January 1 of each year and shall, if not paid by March 31 of each year, be subject to penalties for delinquency as prescribed in this Ordinance. On any new profession, trade or calling begun in the City, the registration and tax shall be delinquent if not obtained immediately upon beginning business. A penalty equal to ten (10%) percent of the amount of tax payable shall be imposed upon tax payments made after March 31 in the case of businesses in operation on January 1, and upon any tax payment for a new profession, trade or calling begun in the City if said tax payment is not made immediately upon beginning business. The tax registration provided in this Ordinance shall be issued by the city clerk; and if any person whose duty it is to obtain a registration shall, after the registration or occupation tax becomes delinquent, transact or offer to transact in the City any of the kinds of profession, trade or calling subject to this Ordinance without having first obtained the registration, such offender shall upon conviction by the municipal court judge, be punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed six (6) months, either or both, in the discretion of the municipal court judge; *provided, however,* that no criminal penalties contemplated by this Section shall be imposed on any person, partnership, corporation, or other entity licensed by the State of Georgia pursuant to Title 43 of the Official Code of Georgia Annotated, O.C.G.A. § 14-7-2(2), or O.C.G.A. § 14-10-2(2).

(b) In addition to the above remedies, the police may proceed to collect the tax in the same manner as provided by law for tax executions.

**Sec. 22-42. Allocation of gross receipts of business with multiple intrastate or interstate locations.**

(a) For those businesses that have multiple operations inside and outside the City, the number of employees used to determine the occupation tax assessed will be only those employees who work in the City's jurisdiction.

(b) Upon request, the business or practitioner with a location or office situated in more than one jurisdiction shall provide to the City information necessary to determine the number of employees who work in the City's jurisdiction.

**Sec. 22-43. Exemption on grounds that business is operated for charitable purpose.**

No business on which a business registration or occupation tax is levied by this Ordinance shall be exempt from registration or tax on the ground that such business is operated for a charitable purpose unless eighty (80%) percent or more of the entire proceeds from the business are devoted to such purpose.

**Sec. 22-44. Evidence of state registration required if applicable; state registration to be displayed.**

(a) Each person who is licensed by the Secretary of State pursuant to Title 43 of the Official Code of Georgia Annotated shall provide evidence of proper and current state licensure before the City registration may be issued.

(b) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid.

**Sec. 22-45. Evidence of qualification required if applicable.**

Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a City business registration, show evidence that such requirements have been met.

**Sec. 22-46. Liability of officers and agents; registration required; failure to obtain.**

All persons subject to the occupation tax levied pursuant to this Ordinance shall be required to obtain the necessary registration for the business as described in this Ordinance, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other person who fail to obtain a registration. Every person commencing business in the City after January 1 of each year shall likewise obtain the registration provided for in this Ordinance before commencing business; and any person transacting, or offering to transact in the City any of the kinds of businesses, trades, professions, or occupations without first having so obtained the registration shall be subject to penalties provided for in this Ordinance.

**Sec. 22-47. When registration and tax due and payable; effect of transacting business when tax delinquent.**

(a) Each registration required by this Ordinance shall be for the calendar year in which the registration was obtained unless otherwise specifically provided. There is hereby imposed a penalty upon each business which fails to apply for and obtain an appropriate business registration and pay all fees as provided for herein by March 31 of each year. Every person commencing business after January 1 of each year shall obtain the registration required before commencing such business. Any person transacting or offering to transact in the City any business, trade, profession or occupation without first having obtained registration shall be subject to the penalties provided for in section 22-48. These penalties shall be in addition to all other penalties herein provided for and may be collected by the remedies herein provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied. Any and all penalties provided for in this Ordinance may be pursued by the City, in addition to any penalties referenced in this section.

(b) The registration herein provided for shall be issued by the city clerk, and if any person, firm, or corporation whose duty it is to obtain a registration shall, after said occupation tax becomes delinquent, transact or offer to transact, in the City, any of the kind of business, trade, profession or occupation without having first obtained said registration, such offender shall be subject to the penalties provided in section 22-48.

**Sec. 22-48. Penalty of Ordinance violation.**

Any person violating any provisions of this Ordinance shall, upon conviction before the municipal judge, be fined in an amount not exceeding \$1,000.00 or imprisoned for a term not exceeding six (6) months, either or both, in the discretion of the municipal judge; *provided, however,* that no criminal penalties contemplated by this section shall be imposed upon any person, partnership, corporation, or other entity licensed by the State of Georgia pursuant to Title 43 of the Official Code of Georgia Annotated, O.C.G.A. § 14-7-2(2), or O.C.G.A. § 14-10-2(2).

**Sec. 22-49. Police department subpoena and arrest powers.**

The police department and its duly designated officers and inspectors shall be classified as deputy marshal-business inspectors with full subpoena and arrest powers in conjunction with any violation pertaining to this Ordinance.

**Sec. 22-50. Business not covered by this Ordinance.**

The following businesses are not covered by the provisions of this Ordinance but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the State of Georgia or by local law:

- (1) Those businesses regulated by the Georgia Public Service Commission.
- (2) Those electrical service businesses organized under Chapter Three of Title 46 of



the Official Code of Georgia Annotated.

- (3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
- (4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.
- (5) Insurance companies governed by O.C.G.A. § 33-8-8, *et. seq.*
- (6) Motor common carriers governed by O.C.G.A. § 46-7-15.
- (7) Those businesses governed by O.C.G.A. § 48-5-355 (businesses that purchase carload lots of guano, meats, meal, flour, bran, cottonseed, or cottonseed meal and hulls).
- (8) Agricultural products and livestock raised in the State of Georgia governed by O.C.G.A. § 48-5-356.
- (9) Depository financial institutions governed by O.C.G.A. § 48-6-93.
- (10) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.

Sec. 22-51. Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.

An occupation tax shall not apply to any part of a business where such levy is prohibited or exempted by the laws of the State of Georgia or of the United States.

Sec. 22-52. When occupation tax due and payable; payment options.

The amount of occupation tax shall be payable to the City, at the office of the city clerk, on January 1 of each year and delinquent if not paid on or before March 31 of each year; however, the taxpayer may have the following option as to payment of said tax: If the entire amount of the occupation tax is paid on or before January 20, the taxpayer shall be entitled to a three (3%) percent discount of the amount of tax so paid, allowable at the time for such payment. No discount shall be allowed for any payment made after January 20.

Sec. 22-53. Payment of occupation tax by newly established businesses.

In the case of a business subject to the occupation tax for a calendar year, which was not conducted for any period of time in the corporate limits of the city in the preceding year, the owner, proprietor, manager, or executive officer of the business shall estimate the number of employees from commencing date to the end of the calendar year and such fee shall be paid within thirty (30) days from the date of commencing operations.

Sec. 22-54. More than one line or place of business.

Where a business is operated at more than one place or where the business includes more than one line, the business will pay an occupation tax in accordance with the prevailing taxing method and tax rate for the dominant line at each location.

Sec. 22-55. Returns confidential.

(a) The applications and returns made to the City for an occupational tax payment certificate pursuant to this Ordinance shall be confidential and shall not be made public except in the event of litigation with respect thereto; nor shall they be subject to the inspection of any person except the city manager/administrator, the city attorney, the city clerk, the city auditor, and their authorized and designated agents or representatives. All contents of the return shall be confidential and open only to the officials, employees, agents or clerks of the City using the

returns for the purpose of the occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the City shall be classed as employees for purposes of this Ordinance and section. The Mayor and City Council shall have the right to open such returns to the inspection of a committee composed of the Mayor and City Council, or any portion thereof, to effect an analysis of the fee rates, or an investigation of the operation of the license fee department, or to secure dates regarding a case in litigation. It shall be unlawful for any person to make public or inform any other person as to the contents of such application or return, or to permit inspection thereof by any person except as required by this section.

(b) Any person violating the provisions of this section as it pertains to the number of employees of a business shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment of a term not exceeding six (6) months, either or both, as determined by the municipal court judge. In addition, any employee of the City who divulges such information shall be subject to immediate discipline.

(c) Nothing in this section shall be construed to prohibit the publication by the City of various statistics, so classified as to discourage the identification of particular returns and the items thereof, or the inspection of the records by duly qualified tax or investigative employees of the federal, state, or county government.

**Sec. 22-56. Businesses and practitioners required to provide certain information to City; inspections of books and records.**

(a) All businesses and practitioners doing business within the City shall provide to the city clerk of the City:

- (1) the address of any location or office maintained by such business or practitioner within the City;
- (2) a description of the business or types of businesses conducted or occupation or profession performed at such location; and
- (3) the payment of any business or occupation tax or regulatory fee to any other city or county.

(b) In any case the city clerk of the City, through its officers, agents, employees or representatives, may inspect the books of the business or person for which the returns are made. The city clerk or his designated representatives shall have the right to inspect the books or records for the business of which the return was made in Cumming, Georgia, and upon demand of the city clerk such books or records shall be submitted for inspection by a representative of the City within thirty (30) days. Failure to submit such books or records within thirty (30) days shall be grounds for revocation of the tax registration currently existing to do business in the City. Adequate records shall be kept in Cumming, Georgia, for examination by the city clerk at that officer's discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of fifteen (15%) percent of the correctly assessed business fee plus one-hundred twenty-five (125%) percent of the prime interest rate times the amount of any deficiency will be assessed for the period delinquent. For purposes of this section, the prime interest rate shall be that which is published in The Wall Street Journal on the first business day of the year in which the underreporting is identified.

**Sec. 22-57. Tax registration to be revoked for failure to pay tax, file returns, permit inspections of books.**

Upon the failure of any business to pay the occupation tax or any part thereof before it becomes delinquent or upon failure to make any returns within the time required in this Ordinance, or upon failure to make a true return, or upon failure to amend a return to set forth the truth, or upon failure to permit inspection of its books, any business tax registration granted by the City under this Ordinance permitting the owner of the business to do business for the current year shall be, ipso facto, revoked. No new business tax registration shall be granted by

the City for the operation of a business for which any part of the occupation tax is at that time unpaid, or to an individual, firm, or corporation who has failed to submit adequate records as requested by the city clerk's office in accordance with the provisions in section 22-56. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the City in the case of delinquent occupation taxes.

**Sec. 22-58. Effect of failure to comply with Ordinance provisions; continuing in business after tax registration revocation.**

Any persons, their managers, agents or employees, who do business in the City after the registration for the business has been revoked, and who are required to make occupation tax returns and who fail to make such returns within the time and in the manner provided in this Ordinance, who refuse to amend such returns so as to set forth the truth, or who shall make false returns, and any persons, their managers, agents or employees who refuse to permit an inspection of books in their charge when the officers, agents, or employees or representatives of the City request such inspection during business hours, for the purpose of determining the accuracy of the returns provided for in this Ordinance, shall be subject to penalties provided for by this Ordinance. In the case of those practitioners where the City cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the City in the case of delinquent occupation tax. These penalties may consist of either a percentage of the amount due or a flat fee fine.

**Sec. 22-59. Lien taken for delinquent tax.**

In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the city clerk of the City, upon any tax or installment of said tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of said tax against the persons, partnership, or corporation liable for said tax, which said execution shall bear interest at the rate of eighteen (18%) percent per annum from the date when such tax or installment becomes delinquent, and the lien shall cover the property in the City of the person, partnership, or corporation liable for such tax, all as provided for in the Charter and the ordinances of the City and the laws of the State of Georgia. The lien of said occupation tax shall become fixed on and date from the time when such tax or any installment thereof becomes delinquent. The execution shall be levied by the chief of police of the City upon the property of defendant located in the City, and sufficient property shall be advertised and sold to pay the amount of said execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by the Charter and ordinances of the City and the laws of the State of Georgia, and the defendant in execution shall have the rights of defense, by affidavit of illegality and otherwise, which are provided by the applicable laws in regard to tax executions. When a nulla bona entry has been entered by the proper authority upon an execution issued by the city clerk against any person defaulting on the occupation tax, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of nulla bona has been made, the person against whom the execution issues pays the tax in full together with all interest and costs accrued on the tax, the person may collect any fees and charges due him or her as though he or she had never defaulted in the payment of the taxes.

**Sec. 22-60. Amendment, repeal of Ordinance.**

This Ordinance shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the Mayor and City Council to assess and collect any of the taxes or other charges prescribed. Said amendment may increase or lower the amounts and tax rates or any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the jurisdiction of additional occupation taxes upon the same person, property or business.

**Sec. 22-61. Application to prior ordinance.**

This Ordinance does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in those ordinance or ordinances, or failure to comply with any other provisions of this Ordinance, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

**Sec. 22-62. Enforcement of Ordinance.**

It is the duty of the city clerk and police department of the City to see that the provisions of this Ordinance relating to occupation taxes are observed and to summon all violators of the same to appear before the court. It is also the duty of the city clerk, chief of police, members of the police department and their assistants to inspect all registrations issued by the City, as often in their judgment it may seem necessary to determine whether the registration held is the proper one for the business sought to be transacted thereunder.

**Sec. 22-63. Provisions to remain in full force and effect until changed.**

This Ordinance shall remain in full force and effect until changed by amendment adopted by the Mayor and City Council. All provisions relating to any form of tax levied in this Ordinance shall remain in full force and effect until such taxes have been paid in full.

**Sec. 22-64. Requirement of public hearing before tax increase.**

The Mayor and City Council shall conduct at least one public hearing before adopting any ordinance or resolution that will increase the rate of occupation tax as set forth in this Ordinance. In addition, the Mayor and City Council shall conduct at least one public hearing to determine how to use the additional revenue derived from occupation taxes in any year when revenue from occupation taxes is greater than revenue derived from such taxes for the preceding year.

**Sec. 22-65. Option to establish exemption or reduction in occupation tax.**

The Mayor and City Council may by ordinance or resolution provide for an exemption or reduction in the occupation tax to one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation taxes shall not be arbitrary or capricious, and the reasons shall be set forth in the minutes of the meeting of the Mayor and City Council.

**Sec. 22-66. Prohibition against unconstitutional application of penalties.**

No penalties, whether criminal or civil in nature or effect, shall be unconstitutionally applied to any person, partnership, corporation, or other entity licensed by the State of Georgia pursuant to Title 43 of the Official Code of Georgia Annotated, O.C.G.A. § 14-7-2(2), or O.C.G.A. § 14-10-2(2).

**Sec. 22-67. Conflicts between specific provisions and general provisions.**

Where there is an apparent conflict in Ordinance between specific and general provisions, it is the intention hereof that the specific provision shall control.

**Sec. 22-68. Repeal of conflicting provisions.**

All ordinances or parts of ordinances in conflict with this Ordinance, and not preserved

hereby, are repealed.


II.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

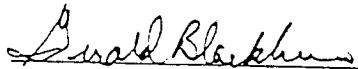
III.

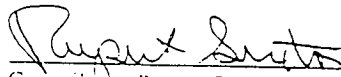
This Ordinance shall take effect as of January 1, 1998.

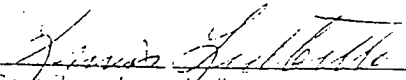
The above Ordinance was read and approved by the Mayor and City Council of the City of Cumming, a Georgia municipal corporation, on the 16th day of December, 1997.

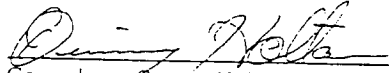
  
\_\_\_\_\_  
H. Ford Gravitt, Mayor  
City of Cumming, Georgia


Attest:

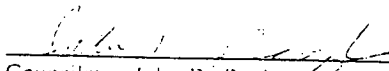
  
\_\_\_\_\_  
Gerald Blackburn, City Administrator  
City of Cumming, Georgia

  
\_\_\_\_\_  
Councilman Rupert Sexton

  
\_\_\_\_\_  
Councilman Lewis Ledbetter

  
\_\_\_\_\_  
Councilman Quincy Holton

  
\_\_\_\_\_  
Councilman Ralph Perry

  
\_\_\_\_\_  
Councilman John D. Pugh



**SERVICE DELIVERY STRATEGY**  
**SUMMARY OF SERVICE DELIVERY ARRANGEMENTS**

**Instructions:**

Make copies of this form and complete one for each service listed on page 1, Section III. Use exactly the same service names listed on page 1. Answer each question below, attaching additional pages as necessary. If the contact person for this service (listed at the bottom of the page) changes, this should be reported to the Department of Community Affairs.

County: FORSYTH Service: GENERAL ADMINISTRATION AND FINANCE

1. Check the box that best describes the agreed upon delivery arrangement for this service:
- Service will be provided countywide (i.e., including all cities and unincorporated areas) by a single service provider (If this box is checked, identify the government, authority or organization providing the service.)
  - Service will be provided only in the unincorporated portion of the county by a single service provider (If this box is checked, identify the government, authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the service will not be provided in unincorporated areas. (If this box is checked, identify the government(s), authority or organization providing the service.)
  - One or more cities will provide this service only within their incorporated boundaries, and the county will provide the service in unincorporated areas (If this box is checked, identify the government(s), authority or organization providing the service.)
  - Other (If this box is checked, attach a legible map delineating the service area of each service provider, and identify the government, authority, or other organization that will provide service within each service area.)

2. In developing the strategy, were overlapping service areas, unnecessary competition and/or duplication of this service identified?  
 yes  no

If these conditions will continue under the strategy, attach an explanation for continuing the arrangement (i.e., overlapping but higher levels of service (See O.C.G.A. 36-70-24(1)), overriding benefits of the duplication, or reasons that overlapping service areas or competition cannot be eliminated).

If these conditions will be eliminated under the strategy, attach an implementation schedule listing each step or action that will be taken to eliminate them, the responsible party and the agreed upon deadline for completing it.

3. List each government or authority that will help to pay for this service and indicate how the service will be funded (e.g., enterprise funds, user fees, general funds, special service district revenues, hotel/motel taxes, franchise taxes, impact fees, bonded indebtedness).

Local Government or Authority	Funding Method
FORSYTH COUNTY	GENERAL FUND
CITY OF CUMMING	GENERAL FUND

4. How will the strategy change the previous arrangements for providing and/or funding this service within the county?  
NO CHANGE.

5. List any formal service delivery agreements or intergovernmental contracts that will be used to implement the strategy for this service.

Agreement Name	Contracting Parties	Effective and Ending Dates
GENERAL ADMINISTRATION AND FINANCE SERVICE DELIVERY AGREEMENT	FORSYTH COUNTY CITY OF CUMMING	1998 - current 1998 - current

6. What other mechanisms (if any) will be used to implement the strategy for this service (e.g., ordinances, resolutions, local acts of the General Assembly, rate or fee changes, etc.), and when will they take effect?

State of Georgia Constitution, Article 9-Counties and Municipal Corporations.  
 City of Cumming Charter

7. Person completing form: Gerald Blackburn City Manager Stevie P. Mills County Administrator

Phone number: 781-2010 / 781-2101 Date completed: 5/4/98


8. Is this the person who should be contacted by state agencies when evaluating whether proposed local government projects are consistent with the service delivery strategy?  yes  no  
 If not, provide designated contact person(s) and phone number(s) below:

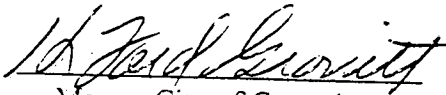
**Comprehensive Plan as it Relates to  
Service Delivery Strategies for General Administration/Finance  
for Cumming and Forsyth County**

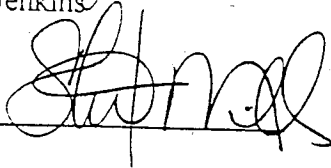
Through other agreements entered into and included in this report, the need for both City and County General Administrative and Finance Departments is clearly evidenced.


This area is operated with no duplication of services and in those cases where two services are provided for the same activity, they are enhancement type services. Furthermore, each governmental entity by its respective charter is *required* to have a General Administration and Finance Department. This department controls and monitors the receipts and expenditures and by this process insures that all activities are conducted in an efficient and ethical manner.

We, the undersigned agree that the Administrative/Finance procedures in place have proven to be effective, efficient procedures of operation for each entity and see no apparent duplication of services nor prospect for consolidation, this the 4<sup>th</sup> day of May, 1998.

  
Forsyth County Commission Chairman  
Bill R. Jenkins

  
Mayor, City of Cumming  
H. Ford Gravitt

Attest: 

Attest: 

County Seal:

City Seal:

ARTICLE IX.

COUNTIES AND MUNICIPAL CORPORATIONS.

SECTION I.

COUNTIES

Paragraph I. *Counties a body corporate and politic.* Each county shall be a body corporate and politic with such governing authority and with such powers and limitations as are provided in this Constitution and as provided by law. The governing authorities of the several counties shall remain as prescribed by law on June 30, 1983, until otherwise provided by law.

Paragraph II. *Number of counties limited: county boundaries and county sites; county consolidation.* (a) There shall not be more than 159 counties in this state.

(b) The metes and bounds of the several counties and the county sites shall remain as prescribed by law on June 30, 1983, unless changed under the operation of a general law.

(c) The General Assembly may provide by law for the consolidation of two or more counties into one or the division of a county and the merger of portions thereof into other counties under such terms and conditions as it may prescribe, but no such consolidation, division, or merger shall become effective unless approved by a majority of the qualified voters voting thereon in each of the counties proposed to be consolidated, divided, or merged.

Paragraph III. *County officers; election; term; compensation.* (a) The clerk of the superior court, judge of the probate court, sheriff, tax receiver, tax collector, and tax commissioner, where such office has replaced the tax receiver and tax collector, shall be elected by the qualified voters of their respective counties for terms of four years and shall have such qualifications, powers, and duties as provided by general law.

(b) County officers listed in subparagraph (a) of this Paragraph may be on a fee basis, salary basis, or fee basis supplemented by salary, in such manner as may be directed by law. Minimum compensation for said county officers may be established by the General Assembly by general law. Such minimum compensation may be supplemented by local law or, if such authority is delegated by local law, by action of the county governing authority.

(c) The General Assembly may consolidate the offices of tax receiver and tax collector into the office of tax commissioner.

Paragraph IV. *Civil service systems.* The General Assembly may by general law authorize the establishment by county governing authorities of civil service systems covering county employees or covering county employees and employees of the elected county officers.

SECTION II.

HOME RULE FOR COUNTIES AND MUNICIPALITIES

Paragraph I. *Home rule for counties.* (a) The governing authority of each county shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law applicable thereto. Any such local law shall remain in force and effect until amended or repealed as provided in subparagraph (b). This, however, shall not restrict the authority of the General Assembly by general law to further define this power or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify, or supersede any action taken by a county governing authority under this section except as authorized under subparagraph (c) hereof.

(b) Except as provided in subparagraph (c), a county may, as an incident of its home rule power, amend or repeal the local acts applicable to its governing authority by following either of the procedures hereinafter set forth:

(1) Such local acts may be amended or repealed by a resolution or ordinance duly adopted at two regular consecutive meetings of the county governing authority not less than seven nor more than 60 days apart. A notice containing a synopsis of the proposed amendment or repeal shall be published in the official county organ once a week for three weeks within a period of 60 days immediately preceding its final adoption. Such notice shall state that a copy of the proposed amendment or repeal is on file in the office of the clerk of the superior court of the county for the purpose of examination and inspection by the public. The clerk of the superior court shall furnish anyone, upon written request, a copy of the proposed amendment or repeal. No amendment or repeal hereunder shall be valid to change or repeal an amendment adopted pursuant to a referendum as provided in (2) of this subparagraph or to change or repeal a local act of the General Assembly ratified in a referendum by the electors of such county unless at least 12 months have elapsed after such referendum. No amendment hereunder shall be valid if inconsistent with any provision of this Constitution or if provision has been made therefor by general law.

(2) Amendments to or repeals of such local acts or ordinances, resolutions, or regulations adopted pursuant to subparagraph (a) hereof may be initiated by a petition filed with the judge of the probate court of the county containing, in cases of counties with a population of 5,000 or less, the signatures of at least 25 percent of the electors registered to vote in the last general election; in cases of counties with a population of more than 5,000 but not more than 50,000, at least 20 percent of the electors registered to vote in the last general election; and, in cases of a county with a population of more than 50,000, at least 10 percent of the electors registered to vote in the last general election, which petition shall specifically set forth the exact language of the proposed amendment or repeal. The judge of the probate court shall determine the validity of such petition within 60 days of its being filed with the judge of the probate court. In the event the judge of the probate court determines that such petition is valid, it shall be his duty to issue the call for an election for the purpose of submitting such amendment or repeal to the registered electors of the county for their approval or rejection. Such call shall be issued not less than ten nor more than 60 days after the date of the filing of the petition. He shall set the date of such election for a day not less than 60 nor more than 90 days after the date of such filing. The judge of the probate court shall cause a notice of the date of said election to be published in the official organ of the county once a week for three weeks immediately preceding such date. Said notice shall also contain a synopsis of the proposed amendment or repeal and shall state that a copy thereof is on file in the office of the judge of the probate court of the county for the purpose of examination and inspection by the public. The judge of the probate court shall furnish anyone, upon written request, a copy of the proposed amendment or repeal. If more than one-half of the votes cast on such question are for approval of the amendment or repeal, it shall become of full force and effect; otherwise, it shall be void and of no force and effect. The expense of such election shall be borne by the county, and it shall be the duty of the judge of the probate court to hold and conduct such election. Such election shall be held under the same laws and rules and regulations as govern special elections, except as otherwise provided herein. It shall be the duty of the judge of the probate court to canvass the returns and declare and certify the result of the election. It shall be his further duty to certify the result thereof to the Secretary of State in accordance with the provisions of subparagraph (g) of this Paragraph. A referendum on any such amendment or repeal shall not be held more often than once each year. No amendment hereunder shall be valid if inconsistent with any provision of this Constitution or if provision has been made therefor by general law. In the event that the judge of the probate court determines that such petition was not valid, he shall cause to be published in explicit detail the reasons why such petition is not valid; provided, however, that, in any proceeding in which the validity of the petition is at issue, the tribunal considering such issue shall not be limited by the reasons assigned. Such publication shall be in the official organ of the county in the week immediately following the date on which such petition is declared to be not valid.

(c) The power granted to counties in subparagraphs (a) and (b) above shall not be construed to extend to the following matters or any other matters which the General



Assembly by general law has preempted or may hereafter preempt, but such matters shall be the subject of general law or the subject of local acts of the General Assembly to the extent that the enactment of such local acts is otherwise permitted under this Constitution:

- (1) Action affecting any elective county office, the salaries thereof, or the personnel thereof, except the personnel subject to the jurisdiction of the county governing authority.
- (2) Action affecting the composition, form, procedure for election or appointment, compensation, and expenses and allowances in the nature of compensation of the county governing authority.
- (3) Action defining any criminal offense or providing for criminal punishment.
- (4) Action adopting any form of taxation beyond that authorized by law or by this Constitution.
- (5) Action extending the power of regulation over any business activity regulated by the Georgia Public Service Commission beyond that authorized by local or general law or by this Constitution.
- (6) Action affecting the exercise of the power of eminent domain.
- (7) Action affecting any court or the personnel thereof.
- (8) Action affecting any public school system.

(d) The power granted in subparagraphs (a) and (b) of this Paragraph shall not include the power to take any action affecting the private or civil law governing private or civil relationships, except as is incident to the exercise of an independent governmental power.

(e) Nothing in subparagraphs (a), (b), (c), or (d) shall affect the provisions of subparagraph (f) of this Paragraph.

(f) The governing authority of each county is authorized to fix the salary, compensation, and expenses of those employed by such governing authority and to establish and maintain retirement or pension systems, insurance, workers' compensation, and hospitalization benefits for said employees.

(g) No amendment or revision of any local act made pursuant to subparagraph (b) of this section shall become effective until a copy of such amendment or revision, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which such notice was published to the effect that said notice has been published as provided in said subparagraph has been filed with the Secretary of State. The Secretary of State shall provide for the publication and distribution of all such amendments and revisions at least annually.

**Paragraph II. Home rule for municipalities.** The General Assembly may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to municipalities may be dealt with without the necessity of action by the General Assembly.

**Paragraph III. Supplementary powers.** (a) In addition to and supplementary of all powers possessed by or conferred upon any county, municipality, or any combination thereof, any county, municipality, or any combination thereof may exercise the following powers and provide the following services:

- (1) Police and fire protection.
- (2) Garbage and solid waste collection and disposal.
- (3) Public health facilities and services, including hospitals, ambulance and emergency rescue services, and animal control.

(4) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads constructed by counties and municipalities or any combination thereof.

- (5) Parks, recreational areas, programs, and facilities.
- (6) Storm water and sewage collection and disposal systems.
- (7) Development, storage, treatment, purification, and distribution of water.
- (8) Public housing.
- (9) Public transportation.
- (10) Libraries, archives, and arts and sciences programs and facilities.
- (11) Terminal and dock facilities and parking facilities.

(12) Codes, including building, housing, plumbing, and electrical codes.

(13) Air quality control.

(14) The power to maintain and modify heretofore existing retirement or pension systems, including such systems heretofore created by general laws of local application by population classification, and to continue in effect or modify other benefits heretofore provided as a part of or in addition to such retirement or pension systems and the power to create and maintain retirement or pension systems for any elected or appointed public officers and employees whose compensation is paid in whole or in part from county or municipal funds and for the beneficiaries of such officers and employees.

(b) Unless otherwise provided by law, (1) No county may exercise any of the powers listed in subparagraph (a) of this Paragraph or provide any service listed therein inside the boundaries of any municipality or any other county except by contract with the municipality or county affected; and

(2) No municipality may exercise any of the powers listed in subparagraph (a) of this Paragraph or provide any service listed therein outside its own boundaries except by contract with the county or municipality affected.

(c) Nothing contained within this Paragraph shall operate to prohibit the General Assembly from enacting general laws relative to the subject matters listed in subparagraph (a) of this Paragraph or to prohibit the General Assembly by general law from regulating, restricting, or limiting the exercise of the powers listed therein; but it may not withdraw any such powers.

(d) Except as otherwise provided in subparagraph (b) of this Paragraph, the General Assembly shall act upon the subject matters listed in subparagraph (a) of this Paragraph only by general law.

**Paragraph IV. Planning and zoning.** The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. This authorization shall not prohibit the General Assembly from enacting general laws establishing procedures for the exercise of such power.

**Paragraph V. Eminent domain.** The governing authority of each county and of each municipality may exercise the power of eminent domain for any public purpose.

**Paragraph VI. Special districts.** As hereinafter provided in this Paragraph, special districts may be created for the provision of local government services within such districts to pay, wholly or partially, the cost of providing such services therein and to construct and maintain facilities therefor. Such special districts may be created and fees, assessments, or taxes may be levied and collected therein by any one or more of the following methods:

- (a) By general law which directly creates the districts.
- (b) By general law which requires the creation of districts under conditions specified by such general law.
- (c) By municipal or county ordinance or resolution, except that no such ordinance or resolution may supersede a law enacted by the General Assembly pursuant to subparagraphs (a) or (b) of this Paragraph.

**Paragraph VII. Community redevelopment.** (a) The General Assembly may authorize any county, municipality, or housing authority to undertake and carry out community redevelopment, which may include the sale or other disposition of property acquired by eminent domain to private enterprise for private uses.

(b) In addition to the authority granted by subparagraph (a) of this Paragraph, the General Assembly is authorized to grant to counties or municipalities for redevelopment purposes and in connection with redevelopment programs, as such purposes and programs are defined by general law, the power to issue tax allocation bonds, as defined by such law, and the power to incur other obligations, without either such bonds or obligations constituting debt within the meaning of Section V of this article, and the power to enter into contracts for any period not exceeding 30 years with private persons, firms, corporations, and business entities. Notwithstanding the grant of these powers pursuant to general law, no county or municipality may exercise these powers unless so authorized by local law and unless such powers are exercised in conformity with those terms and conditions for such exercise as established by that local law. The provisions of any such local law shall conform to those requirements established by general law regarding such powers. No such local law, or any amendment thereto, shall become effective unless approved in a referendum by a majority of the qualified voters voting thereon in the county or municipality directly affected by that local law.

**Paragraph VIII. Limitation on the taxing power and contributions of counties, municipalities, and political subdivisions.** The General Assembly shall not authorize any county, municipality, or other political subdivision of this state, through taxation, contribution, nonpublic corporation or association except for purely charitable purposes.

**Paragraph IX. Immunity of counties, municipalities, and school districts.** The General Assembly may waive the immunity of counties, municipalities, and school districts by law.

**SECTION III.  
INTERGOVERNMENTAL RELATIONS**

**Paragraph I. Intergovernmental contracts.** (a) The state, or any institution, department, or other agency thereof, and any county, municipality, school district, or other political subdivision of the state may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation, or public authority for joint services; for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal with activities, services, or facilities which the contracting parties are authorized by law to undertake or provide. By way of specific instance and not limitation, a mutual undertaking by a local government entity to borrow and an undertaking by the state or a state authority to lend funds from and to one another for water or sewerage facilities or systems pursuant to law shall be a provision for services and an activity within the meaning of this Paragraph.

(b) Subject to such limitations as may be provided by general law, any county, municipality, or political subdivision thereof may, in connection with any contracts authorized in this Paragraph, convey any existing facilities or equipment to the state or to any public agency, public corporation, or public authority.

(c) Any county, municipality, or any combination thereof, may contract with any public agency, public corporation, or public authority for the care, maintenance, and hospitalization of its indigent sick and may as a part of such contract agree to pay for the cost of acquisition, construction, modernization, or repairs of necessary land, buildings, and facilities by such public agency, public corporation, or public authority and provide for the payment of such services and the cost to such public agency, public corporation, or public authority of acquisition, construction, modernization, or repair of land, buildings, and facilities from revenues realized by such county, municipality, or any combination thereof from any taxes authorized by this Constitution or revenues derived from any other source.

**Paragraph II. Local government reorganization.** (a) The General Assembly may provide by law for any matters necessary or convenient to authorize the consolidation of the governmental and corporate powers and functions vested in municipalities with the governmental and corporate powers and functions vested in a county or counties in which such municipalities are located; provided, however, that no such consolidation shall become effective unless separately approved by a majority of the qualified voters of the county or each of the counties and of the municipality or each of the municipalities located within such county or counties containing at least 10 percent of the population of the county in which located voting thereon in such manner as may be prescribed in such law. Such law may provide procedures and requirements for the establishment of charter commissions to draft proposed charters for the consolidated government, and the General Assembly is expressly authorized to delegate its powers to such charter commissions for such purposes so that the governmental consolidation proposed by a charter commission may become effective without the necessity of further action by the General Assembly; or such law may require that the recommendation of any such charter commission be implemented by a subsequent local law.

(b) The General Assembly may provide by general law for alternatives other than governmental consolidation as authorized in subparagraph (a) above for the reorganization of county and municipal governments, including, but not limited to, procedures to establish a single governing body as the governing authority of a county and a municipality or municipalities located within such county or for the redistribution of powers between a county and a municipality or municipalities located within the county. Such law may require the form of governmental reorganization authorized by such law to be approved by the qualified voters directly affected thereby voting in such manner as may be required in such law.

(c) Nothing in this Paragraph shall be construed to limit the authority of the General Assembly to repeal municipal charters without a referendum.

**SECTION IV.**

**TAXATION POWER OF COUNTY AND MUNICIPAL GOVERNMENTS**

**Paragraph I. Power of taxation.** (a) Except as otherwise provided in this Paragraph, the governing authority of any county, municipality, or combination thereof may exercise the power of taxation as authorized by this Constitution or by general law.

(b) In the absence of a general law:

- (1) County governing authorities may be authorized by local law to levy and collect business and occupational license taxes and license fees only in the unincorporated areas of the counties. The General Assembly may provide that the revenues raised by such tax or fee be spent for the provision of services only in the unincorporated areas of the county.
- (2) Municipal governing authorities may be authorized by local law to levy and collect taxes and fees in the corporate limits of the municipalities.

(c) The General Assembly may provide by law for the taxation of insurance companies on the basis of gross direct premiums received from insurance policies within the unincorporated areas of counties. The tax authorized herein may be imposed by the state or by counties or by the state for county purposes as may be provided by law. The General Assembly may further provide by law for the reduction, only upon taxable property within the unincorporated areas of counties, of the ad valorem tax millage rate for county or county school district purposes or for the reduction of such ad valorem tax millage rate for both such purposes in connection with imposing or authorizing the imposition of the tax authorized herein or in connection with providing for the distribution of the proceeds derived from the tax authorized herein.

**Paragraph II. Power of expenditure.** The governing authority of any county, municipality, or combination thereof may expend public funds to perform any public service or public function as authorized by this Constitution or by law or to perform any other service or function as authorized by this Constitution or by general law.

**Paragraph III. Purposes of taxation; allocation of taxes.** No levy need state the particular purposes for which the same was made nor shall any taxes collected be allocated for any particular purpose, unless otherwise provided by this Constitution or by law.

## SECTION V. LIMITATION ON LOCAL DEBT

**Paragraph I. Debt limitations of counties, municipalities, and other political subdivisions.** (a) The debt incurred by any county, municipality, or other political subdivision of this state, including debt incurred on behalf of any special district, shall never exceed 10 percent of the assessed value of all taxable property within such county, municipality, or political subdivision; and no such county, municipality, or other political subdivision shall incur any new debt without the assent of a majority of the qualified voters of such county, municipality, or political subdivision voting in an election held for that purpose as provided by law.

(b) Notwithstanding subparagraph (a) of this Paragraph, all local school systems which are authorized by law on June 30, 1983, to incur debt in excess of 10 percent of the assessed value of all taxable property therein shall continue to be authorized to incur such debt.

**Paragraph II. Special district debt.** Any county, municipality, or political subdivision of this state may incur debt on behalf of any special district created pursuant to Paragraph VI of Section II of this article. Such debt may be incurred on behalf of such special district where the county, municipality, or other political subdivision shall have, at or before the time of incurring such debt, provided for the assessment and collection of an annual tax within the special district sufficient in amount to pay the principal of and interest on such debt within 30 years from the incurrence thereof, and no such county, municipality, or other political subdivision shall incur any debt on behalf of such special district without the assent of a majority of the qualified voters of such special district in an election held for that purpose as provided by law. No such county, municipality, or other political subdivision shall incur any debt on behalf of such special district in an amount which when taken together with all other debt outstanding incurred by such county, municipality, or political subdivision and on behalf of any such special district, exceeds 10 percent of the assessed value of all taxable property within such county, municipality, or political subdivision. The proceeds of the tax collected as provided herein shall be placed in a sinking fund to be held on behalf of such special district and used exclusively to pay off the principal of and interest on such debt thereafter maturing. Such moneys shall be held and kept separate and apart from all other revenues collected and may be invested and reinvested as provided by law.

**Paragraph III. Refunding of outstanding indebtedness.** The governing authority of any county, municipality, or other political subdivision of this state may provide for the refunding of outstanding bonded indebtedness without the necessity of a referendum

being held therefor, provided that neither the term of the original debt is extended nor the interest rate of the original debt is increased. The principal amount of any debt issued in connection with such refunding may exceed the principal amount being refunded in order to reduce the total principal and interest payment requirements over the remaining term of the original issue. The proceeds of the refunding issue shall be used solely to retire the original debt. The original debt refunded shall not constitute debt within the meaning of Paragraph I of this section; but the refunding issue shall constitute a debt such as will count against the limitation on debt measured by 10 percent of assessed value of taxable property as expressed in Paragraph I of this section.

**Paragraph IV. Exceptions to debt limitations.** Notwithstanding the debt limitations held therefor, the governing authority of any county, municipality, or other political subdivision of this state may, subject to the conditions and limitations as may be provided by general law:

- (1) Accept and use funds granted by and obtain loans from the federal government or any agency thereof pursuant to conditions imposed by federal law.
- (2) Incur debt, by way of borrowing from any person, corporation, or association as well as from the state, to pay in whole or in part the cost of property valuation and equalization programs for ad valorem tax purposes.

**Paragraph V. Temporary loans authorized.** The governing authority of any county, municipality, or other political subdivision of this state may incur debt by obtaining temporary loans in each year to pay expenses. The aggregate amount of all such loans shall not exceed 75 percent of the total gross income from taxes collected in the last preceding year. Such loans shall be payable on or before December 31 of the calendar year in which such loan is made. No such loan may be obtained when there is a loan then unpaid obtained in any prior year. No such county, municipality, or other political subdivision of this state shall incur in any one calendar year an aggregate of such temporary loans or other contracts, notes, warrants, or obligations for current expenses in excess of the total anticipated revenue for such calendar year.

**Paragraph VI. Levy of taxes to pay bonds; sinking fund required.** Any county, municipality, or other political subdivision of this state shall at or before the time of incurring bonded indebtedness provide for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said debt within 30 years from the incurring of such bonded indebtedness. The proceeds of this tax, together with any other moneys collected for this purpose, shall be placed in a sinking fund to be used exclusively for paying the principal of and interest on such bonded debt. Such moneys shall be held and kept separate and apart from all other revenues collected and may be invested and reinvested as provided by law.

**Paragraph VII. Validity of prior bond issues.** Any and all bond issues validated and issued prior to June 30, 1983, shall continue to be valid.

## SECTION VI. REVENUE BONDS

**Paragraph I. Revenue bonds; general limitations.** Any county, municipality, or other political subdivision of this state may issue revenue bonds as provided by general law. The obligation represented by revenue bonds shall be repayable only out of the revenue derived from the project and shall not be deemed to be a debt of the issuing political subdivision. No such issuing political subdivision shall exercise the power of taxation for the purpose of paying any part of the principal or interest of any such revenue bonds.

**Paragraph II. Revenue bonds; special limitations.** Where revenue bonds are issued by any county, municipality, or other political subdivision of this state in order to buy,

construct, extend, operate, or maintain gas or electric generating or distribution systems and necessary appurtenances thereof and the gas or electric generating or distribution system extends beyond the limits of the county in which the municipality or other political subdivision is located, then its services rendered and property located outside said county shall be subject to taxation and regulation in the same manner as are privately owned and operated utilities.

**Paragraph III. Development authorities.** The development of trade, commerce, industry, and employment opportunities being a public purpose vital to the welfare of the people of this state, the General Assembly may create development authorities to promote and further such purposes or may authorize the creation of such an authority by any county or municipality or combination thereof under such uniform terms and conditions as it may deem necessary. The General Assembly may exempt from taxation development authority obligations, properties, activities, or income and may authorize the issuance of revenue bonds by such authorities which shall not constitute an indebtedness of the state within the meaning of Section V of this article.

**Paragraph IV. Validation.** The General Assembly shall provide for the validation of any revenue bonds authorized and shall provide that such validation shall thereafter be incontestable and conclusive.

**Paragraph V. Validity of prior revenue bond issues.** All revenue bonds issued and validated prior to June 30, 1983, shall continue to be valid.

## SECTION VII.

### COMMUNITY IMPROVEMENT DISTRICTS

**Paragraph I. Creation.** The General Assembly may by local law create one or more community improvement districts for any county or municipality or provide for the creation of one or more community improvement districts by any county or municipality.

**Paragraph II. Purposes.** The purpose of a community improvement district shall be the provision of any one or more of the following governmental services and facilities:

- (1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads.
- (2) Parks and recreational areas and facilities.
- (3) Storm water and sewage collection and disposal systems.
- (4) Development, storage, treatment, purification, and distribution of water.
- (5) Public transportation.
- (6) Terminal and dock facilities and parking facilities.
- (7) Such other services and facilities as may be provided for by general law.

**Paragraph III. Administration.** (a) Any law creating or providing for the creation of a community improvement district shall designate the governing authority of the municipality or county for which the community improvement district is created as the administrative body or otherwise shall provide for the establishment and membership of an administrative body for the community improvement district. Any such law creating or providing for the creation of an administrative body for the community improvement district other than the municipal or county governing authority shall provide for representation of the governing authority of each county and municipality within which the community improvement district is wholly or partially located on the administrative body of the community improvement district.

(b) Any law creating or providing for the creation of a community improvement district shall provide that the creation of the community improvement district shall be conditioned upon:

- (1) The adoption of a resolution consenting to the creation of the community improvement district by:
  - (A) The governing authority of the county if the community improvement district is located wholly within the unincorporated area of a county;
  - (B) The governing authority of the municipality if the community improvement district is located wholly within the incorporated area of a municipality; or
  - (C) The governing authorities of the county and the municipality if the community improvement district is located partially within the unincorporated area of a county and partially within the incorporated area of a municipality; and
- (2) Written consent to the creation of the community improvement district by:
  - (A) A majority of the owners of real property within the community improvement district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district; and

(B) The owners of real property within the community improvement district which constitutes at least 75 percent by value of all real property within the community improvement district which will be subject to taxes, fees, and assessments levied by the administrative body of the community improvement district; and for this purpose value shall be determined by the most recent approved county ad valorem tax digest.

(c) The administrative body of each community improvement district may be authorized to levy taxes, fees, and assessments within the community improvement district only on real property used nonresidentially, specifically excluding all property used for residential, agricultural, or forestry purposes and specifically excluding tangible personal property and intangible property. Any tax, fee, or assessment so levied shall not exceed 2 1/2 percent of the assessed value of the real property or such lower limit as may be established by law. The law creating or providing for the creation of a community improvement district shall provide that taxes, fees, and assessments levied by the administrative body of the community improvement district shall be equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The law creating or providing for the creation of a community improvement district shall provide that the proceeds of taxes, fees, and assessments levied by the administrative body of the community improvement district shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the community improvement district and not for the purpose of providing those governmental services and facilities provided to the county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected in the same manner as taxes, fees, and assessments levied by such county or municipality. The proceeds of taxes, fees, and assessments levied by the community improvement district is created in the municipality to be specified by law, shall be transmitted by the collecting county or municipality to the administrative body of the community improvement district and shall be expended by the administrative body of the community improvement district and shall be for the purposes authorized by this Section.

**Paragraph IV. Debt.** The administrative body of a community improvement district may incur debt, as authorized by law, without regard to the requirements of Section V of this Article, which debt shall be backed by the full faith, credit, and taxing power of the community improvement district but shall not be an obligation of the State of Georgia or any other unit of government of the State of Georgia other than the community improvement district.

Paragraph V. *Cooperation with local governments.* The services and facilities provided pursuant to this Section shall be provided for in a cooperation agreement executed jointly by the administrative body and the governing authority of the county or municipality for which the community improvement district is created. The provisions of this section shall in no way limit the authority of any county or municipality to provide services or facilities within any community improvement district; and any county or municipality shall retain full and complete authority and control over any of its facilities located within a community improvement district. Said control shall include but not be limited to the modification of, access to, and degree and type of services provided through or by facilities of the municipality or county. Nothing contained in this Section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to any community improvement district or the services or facilities provided therein.

Paragraph VI. *Regulation by general law.* The General Assembly by general law may regulate, restrict, and limit the creation of community improvement districts and the exercise of the powers of administrative bodies of community improvement districts.