

# Memo

**To:** City Council

**From:** Artagus Newell

**cc:** Paul Radford, City Manager, Troy Besseche, Assistant City Manager, Jane Whittington, City Clerk and Human Resources Director

**Date:** July 31, 2025

**Re:** Gwinnett County Health Department Updates to City's Code of Ordinances

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The Gwinnett County Health Department is seeking to have all jurisdictions adopt the current language for terms, definitions, and other aspects as adopted by the Georgia Department of Public Health. This will ensure that, enforcement of health codes will not be encumbered by having outdated information and maintaining consistency throughout the state. The City Attorney has made the requested changes.

The recommended action is to approve adoption of the updated Health Department language, and to be added to the Code of Ordinances for the City of Sugar Hill.

## **ORDINANCE \_\_\_\_\_**

### **ORDINANCE TO AMEND CHAPTERS 18, 38, AND 74 OF THE CODE OF THE CITY OF SUGAR HILL, GEORGIA**

The City Council of the City of Sugar Hill, Georgia hereby ordains that the Code of the City of Sugar Hill, Georgia shall be amended as follows:

#### **Section 1:**

By deleting Article IX. (Tattoo and Body Piercing Establishments) of Chapter 18 (Businesses) in its entirety and replacing it with a new Article IX to be titled Body Art and to read as follows:

Article IX. – Body Art.

Sec. 18-599. Body art.

In addition to obtaining an occupation tax certificate as required by Chapter 70 of this Code, all other licenses or permits shall be obtained as required by Georgia law and the rules and regulations of the Georgia Department of Public Health and the Gwinnett County Board of Health. See also Sec. 38-4 of this Code.

#### **Section 2:**

By adding a new section to Article I. (In General) of Chapter 38 (Health and Sanitation) to be numbered 38-1, titled Food service, which section shall read as follows:

Sec. 38-1. - Food service.

Food service facilities shall comply with provisions of O.C.G.A. § 26-2-1 et seq. (as now exists or is hereafter amended), chapter 511-6-1 of the Georgia Department of Public Health Rules and Regulations (as now exists or is hereafter amended), and the rules and regulations adopted by the Gwinnett County Board of Health (as now exists or is hereafter amended) as the health regulations governing food service for the city and said rules and regulations are made a part of this Code as though fully set out at length in this section. This section shall be enforced by the Gwinnett County Board of Health.

#### **Section 3:**

By adding a new section to Article I. (In General) of Chapter 38 (Health and Sanitation) to be numbered 38-2, titled Tourist accommodations, which section shall read as follows:

Sec. 38-2. – Tourist accommodations.

Tourist accommodations shall comply with the rules and regulations adopted by the Gwinnett County Board of Health based upon rules of the Georgia Department of Public Health, as referenced in chapter 511-6-2 (as now exists or is hereafter amended), as the health regulations governing tourist accommodations for the city and said rules and regulations are made a part of this Code as though fully set out at length in this section. This section shall be enforced by the Gwinnett County Board of Health. As used in this section, *tourist accommodation* is defined as any facility consisting of two or more rooms or dwelling units providing lodging and other accommodations for tourist and travelers and includes tourist courts, tourist cottages, tourist homes, trailer parks, trailer courts, motels, motor hotels, hotels and any similar place by whatever name called and any food, beverage, laundry, recreational or other facilities or establishments operated in conjunction therewith.

#### Section 4:

By adding a new section to Article I. (In General) of Chapter 38 (Health and Sanitation) to be numbered 38-3, titled Public swimming pools, spas, and recreational water parks, which section shall read as follows:

Sec. 38-3. – Public swimming pools, spas, and recreational water parks.

Public swimming pools, spas, and recreational water parks shall comply with the rules and regulations adopted by the Gwinnett County Board of Health based upon rules of the Georgia Department of Public Health, as referenced in chapter 511-3-5 (as now exists or is hereafter amended), as the health regulations governing public swimming pools, spas, and recreational water parks for the city and said rules and regulations are made a part of this Code as though fully set out at length in this section. This section shall be enforced by the Gwinnett County Board of Health.

#### Section 5:

By adding a new section to Article I. (In General) of Chapter 38 (Health and Sanitation) to be numbered 38-4, titled Body art, which section shall read as follows:

Sec. 38-4. - Body art.

The rules and regulations adopted by the Gwinnett County Board of Health based upon rules of the Georgia Department of Public Health, as referenced in chapter 511-3-8 (as now exists or is hereafter amended), are hereby adopted as the health regulations governing body art for the city and are made a part of this Code as though fully set out at length in this section.

#### Section 6:

By deleting Article IV. (Tourist Courts) of Chapter 38 (Health and Sanitation) in its entirety and reserving Article IV for future use as follows:

Article IV. – Reserved.

#### Section 7:

By deleting Section 74-1 in its entirety and replacing it with a new Section 74-1 to be titled Waters and sewer service, which shall read as follows:

Sec. 74-1. Water and sewer service.

The water and sewer service for the city is provided by Gwinnett County and its Department of Water Resources. See Gwinnett County Code Articles II and III of Chapter 106 (as now exists or is hereafter amended).

#### Section 8:

By deleting Article IV. (On-Site Sewage Management Systems) of Chapter 74 (Utilities) in its entirety and replacing it with a new Article IV to be titled On-Site Sewage Management System and to read as follows:

Article IV. – On-Site Sewage Management Systems.

Sec. 74-70.

(a) *Rules and regulations of the state department of public health; adopted.* The regulations of the Gwinnett County Board of Health, based upon rules of the state's department of public health, as referenced in chapter 511-3-1, as now or hereafter amended, as the health regulations governing on-site sewage management systems for the city are made a part of this Code as though fully set out at length in this section.

(b) *Rules and regulations of the state department of public health; enforcement.*

(1) The rules and regulations cited in subsection (a) of this section shall be enforced by the Gwinnett County Board of Health as a duly adopted ordinance of the city.

(2) Violations of this section may be prosecuted upon citations issued by the code enforcement or Marshal's Office of the City, the Gwinnett County Department of Water Resources, or by designated employees of the Gwinnett County Board of Health. Any person violating any provision in these regulations shall be guilty of violating a duly adopted ordinance of the city, and upon conviction by a court of competent jurisdiction shall be punished either by a fine not to exceed \$1,000.00, or by confinement in the county jail for a total term not to exceed 60 days, or both.

The court shall have the power and authority to place any person found guilty of a violation of this regulation on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.

*(c) New community sewage treatment systems prohibited.*

- (1) A community sewage treatment system shall mean a privately owned sewage treatment system which collects sewage from two or more residents or other establishments and which may consist of collector lines, pumps, sewage tanks and/or soil treatment units. Community sewage treatment systems are characterized by having relatively few residents or establishments which contribute flow and are not staffed by qualified operators licensed by the state 24 hours a day, seven days a week.
- (2) New community sewage treatment systems are prohibited in the city, notwithstanding any and all provisions of Ga. Comp. R. & Regs., chapter 511-3-1 that may otherwise allow such systems to be permitted.

*(d) Authority to disconnect water service.*

- (1) The director of the Gwinnett County Department of Water Resources (DWR director) or the DWR director's designee is authorized to disconnect water service from any property where a pattern of repeated refusal to repair a failed septic tank system has resulted in harm to public health, safety, welfare, the environment or the public interest, as set forth herein. Three bacteriological tests showing 200 or more colony forming units of fecal coliform bacteria taken from affected surface water shall be presumptive evidence of harm to public health, safety, welfare, the environment or the public interest.
- (2) The DWR director or designee is authorized to work with the Gwinnett County Board of Health, an agency of the state, to coordinate measures to protect public health, safety, welfare, the environment or the public interest from contamination caused by failed septic tanks.
- (3) The DWR director or designee is directed to work with the Gwinnett County Board of Health and with the owners of property affected by failed septic tanks to repair the maximum possible number of such systems, giving due regard to protecting health, safety, welfare, the environment or the public interest.
- (4) Upon following the notification procedures established by the Gwinnett County Board of Health directing a property owner of the need to repair a failed septic tank system, the DWR director or designee is authorized to disconnect water service connected to that failing septic tank system whether or not the property owner has paid any civil penalties or whether or not the property owner or occupant is current with any bills from the water and sewer utility.

Section 9:

Except as specifically amended as set forth above, all other sections and provisions of the city code shall remain in full force and affect. Further, all other sections and provisions of the city code shall remain materially unchanged and in full force and affect.

Section 10:

All ordinances, regulations, or parts of the same in conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 11:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**IT IS SO ORDAINED** this \_\_\_\_\_ day of June, 2025.

Those voting in favor:

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Joshua Page, Council Member Post 1

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Gary Pirkle, Council Member Post 2

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Meg Avery, Council Member Post 3

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Alvin Hicks, Council Member Post 4

\_\_\_\_\_  
Taylor Anderson, Council Member Post 5

Those voting in opposition:

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Joshua Page, Council Member Post 1

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Gary Pirkle, Council Member Post 2

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Meg Avery, Council Member Post 3

\_\_\_\_\_  
Alvin Hicks, Council Member Post 4

\_\_\_\_\_  
Taylor Anderson, Council Member Post 5

ATTEST:

\_\_\_\_\_  
Jane Whittington, City Clerk

Submitted to Mayor: \_\_\_\_/\_\_\_\_/\_\_\_\_

Approved by Mayor, this \_\_\_\_ day of \_\_\_\_\_ 2025.

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Brandon Hembree, Mayor

## **CHAPTER 18 - BUSINESSES**

### **ARTICLE IX. TATTOO AND BODY PIERCING ESTABLISHMENTS**

#### **Sec. 18-599. Body Art.**

In addition to obtaining an occupation tax certificate as required by Chapter 70 of this Code, all other licenses or permits shall be obtained as required by Georgia law and the rules and regulations of the Georgia Department of Public Health and the Gwinnett County Board of Health. See also Sec. 38-4 of this Code.

#### **Secs. 18-600—18-699. Reserved.**

## **CHAPTER 38 – HEALTH AND SANITATION**

### **ARTICLE I. IN GENERAL**

#### **Sec. 38-1. Food service.**

Food service facilities shall comply with provisions of O.C.G.A. § 26-2-1 et seq. (as now exists or is hereafter amended), chapter 511-6-1 of the Georgia Department of Public Health Rules and Regulations (as now exists or is hereafter amended), and the rules and regulations adopted by the Gwinnett County Board of Health (as now exists or is hereafter amended) as the health regulations governing food service for the city and said rules and regulations are made a part of this Code as though fully set out at length in this section. This section shall be enforced by the Gwinnett County Board of Health.

#### **Sec. 38-2. Tourist accommodations.**

Tourist accommodations shall comply with the rules and regulations adopted by the Gwinnett County Board of Health based upon rules of the Georgia Department of Public Health, as referenced in chapter 511-6-2 (as now exists or is hereafter amended), as the health regulations governing tourist accommodations for the city and said rules and regulations are made a part of this Code as though fully set out at length in this section. This section shall be enforced by the Gwinnett County Board of Health. As used in this section, *tourist accommodation* is defined as any facility consisting of two or more rooms or dwelling units providing lodging and other accommodations for tourist and travelers and includes tourist courts, tourist cottages, tourist homes, trailer parks, trailer courts, motels, motor hotels, hotels and any similar place by whatever name called and any food, beverage, laundry, recreational or other facilities or establishments operated in conjunction therewith.

#### **Sec. 38-3. Public swimming pools, spas, and recreational water parks.**

Public swimming pools, spas, and recreational water parks shall comply with the rules and regulations adopted by the Gwinnett County Board of Health based upon rules of the Georgia Department of Public Health, as



referenced in chapter 511-3-5 (as now exists or is hereafter amended), as the health regulations governing public swimming pools, spas, and recreational water parks for the city and said rules and regulations are made a part of this Code as though fully set out at length in this section. This section shall be enforced by the Gwinnett County Board of Health.

#### **Sec. 38-4. Body art.**

The rules and regulations adopted by the Gwinnett County Board of Health based upon rules of the Georgia Department of Public Health, as referenced in chapter 511-3-8 (as now exists or is hereafter amended), are hereby adopted as the health regulations governing body art for the city and are made a part of this Code as though fully set out at length in this section.

#### **Secs. 38-5—38-20. – Reserved.**

### ***ARTICLE IV. RESERVED.***

#### **Secs. 38-151—38-190. Reserved.**

#### **Sec. 74-1. Water and sewer service.**

The water and sewer service for the city is provided by Gwinnett County and its Department of Water Resources. See Gwinnett County Code Articles II and III of Chapter 106 (as now exists or is hereafter amended).

### ***ARTICLE IV. ON-SITE SEWAGE MANAGEMENT SYSTEMS***

#### **Sec. 74-70. On-Site sewage management systems.**

- (a) *Rules and regulations of the state department of public health; adopted.* The regulations of the Gwinnett County Board of Health, based upon rules of the state's department of public health, as referenced in chapter 511-3-1, as now or hereafter amended, as the health regulations governing on-site sewage management systems for the city are made a part of this Code as though fully set out at length in this section.
- (b) *Rules and regulations of the state department of public health; enforcement.*
  - (1) The rules and regulations cited in subsection (a) of this section shall be enforced by the Gwinnett County Board of Health as a duly adopted ordinance of the city.
  - (2) Violations of this section may be prosecuted upon citations issued by the code enforcement or Marshal's Office of the City, the Gwinnett County Department of Water Resources, or by designated employees of the Gwinnett County Board of Health. Any person violating any provision in these regulations shall be guilty of violating a duly adopted ordinance of the city, and upon conviction by a court of competent jurisdiction shall be punished either by a fine not to exceed \$1,000.00, or by confinement in the county jail for a total term not to exceed 60 days, or both. The

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court shall have the power and authority to place any person found guilty of a violation of this regulation on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.

(c) *New community sewage treatment systems prohibited.*

- (1) A community sewage treatment system shall mean a privately owned sewage treatment system which collects sewage from two or more residents or other establishments and which may consist of collector lines, pumps, sewage tanks and/or soil treatment units. Community sewage treatment systems are characterized by having relatively few residents or establishments which contribute flow and are not staffed by qualified operators licensed by the state 24 hours a day, seven days a week.
- (2) New community sewage treatment systems are prohibited in the city, notwithstanding any and all provisions of Ga. Comp. R. & Regs., chapter 511-3-1 that may otherwise allow such systems to be permitted.

(d) *Authority to disconnect water service.*

- (1) The director of the Gwinnett County Department of Water Resources (DWR director) or the DWR director's designee is authorized to disconnect water service from any property where a pattern of repeated refusal to repair a failed septic tank system has resulted in harm to public health, safety, welfare, the environment or the public interest, as set forth herein. Three bacteriological tests showing 200 or more colony forming units of fecal coliform bacteria taken from affected surface water shall be presumptive evidence of harm to public health, safety, welfare, the environment or the public interest.
- (2) The DWR director or designee is authorized to work with the Gwinnett County Board of Health, an agency of the state, to coordinate measures to protect public health, safety, welfare, the environment or the public interest from contamination caused by failed septic tanks.
- (3) The DWR director or designee is directed to work with the Gwinnett County Board of Health and with the owners of property affected by failed septic tanks to repair the maximum possible number of such systems, giving due regard to protecting health, safety, welfare, the environment or the public interest.

Upon following the notification procedures established by the Gwinnett County Board of Health directing a property owner of the need to repair a failed septic tank system, the DWR director or designee is authorized to disconnect water service connected to that failing septic tank system whether or not the property owner has paid any civil penalties or whether or not the property owner or occupant is current with any bills from the water and sewer utility.

**Secs. 74-71—74-104. Reserved.**