

# CHAPTER 13: PUBLIC HEALTH AND COUNTY HEALTH BOARD

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## ARTICLE I. - IN GENERAL

Secs. 13.-1—13.-49. - Reserved.

## ARTICLE II. - RULES AND REGULATIONS

Sec. 13.-50. - State promulgated rules and regulations.

The following rules and regulations of the Georgia DPH, including all subsequent amendments, revisions or modifications thereto, and which are expressly incorporated herein, are hereby adopted and approved for enforcement as set forth therein:

1. Food Service, Comp. R. & Regs. § 511-6-1.
2. Tourist Accommodations, Comp. R. & Regs. § 511-6-2.
3. On-Site Sewage Management Systems, Comp. R. & Regs. § 511-3-1.
4. Portable Sanitation Contractors § 511-3-6.

Copies of those DPH rules and regulations are available at the DPH website:

<http://rules.sos.state.ga.us/gac/>

*(Ord. of 10/30/2017)*

Sec. 13.-51. - Local board of health enactments.

Pursuant to O.C.G.A. § 31-3-1, et seq., in addition to the above-referenced rules and regulations of the Georgia DHR, the following rules and regulations have been enacted by the

Madison County Board of Health and are hereby adopted by the city in accordance with state law, and are further hereby adopted and approved for enforcement as set forth herein:

- (1) Rules and regulations concerning tattoo and body art, adopted by the Madison County Board of Health on November 3, 2011, which are hereby set forth verbatim herein and adopted by the city upon lawful adoption of this chapter.
- (2) Rules and regulations concerning public swimming pool adopted by the Madison County Board of Health on August 11, 2017, which are hereby set forth verbatim and adopted by the city upon lawful adoption of this chapter.

Copies of those rules and regulations enacted by the Madison County Board of Health, and having been adopted by the city, are on file at the Madison County Board of Health, where the same are available for inspection and copying by the public during regular business operating hours.

*(Ord. of 10/30/2017)*

Sec. 13.-52. - [City requirements established—Precedence over county regulations.]

In addition, the rules and regulations concerning minimum lot sizes for the orderly and safe development of property utilizing on-site sewage management systems, having been enacted by the Madison County Board of Health, are hereby adopted, as the same may be amended from time to time and made a part of this chapter as though fully set out at length herein. The city may, however, require larger minimum lot sizes for utilization of on-site sewage management systems in zoning or land use districts providing for septic service, and in the event there is a conflict between the minimum lot size(s) established by the Madison County Board of Health and that established by the city, the larger lot size(s) established by the city shall control and take precedence.

*(Ord. of 10/30/2017)*

Sec. 13.-53. - [Fee schedule.]

A fee schedule for the implementation and confirmation of compliance with the above-referenced DPH rules and regulations and local board of health enactments, including permit and inspection fees, has been established by the Madison County Board of Health, and is hereby adopted by the city, as the same may be amended from time to time. A copy of this fee schedule, including all subsequent amendments, revisions or modifications thereto, is on file at the Madison County Board of Health, where the same is available for inspection and copying by the public during regular business operating hours.

*(Ord. of 10/30/2017)*

Sec. 13.-54. - [Enforcement.]

The enforcement and prosecution of this article shall be within the jurisdiction of the City of Danielsville and the Madison County Board of Health, and their authorized designee(s) or agent(s), and all law enforcement personnel acting in official capacity on behalf of the City of Danielsville, Georgia.

*(Ord. of 10/30/2017)*

Sec. 13.-55. - [Violation of regulations.]

It shall be unlawful for any natural person or persons or any legal entity including, and not limited to, a corporation, partnership, limited liability company, firm or trust, to violate any of the above-identified rules and regulations, and/or to fail or refuse to pay any fee established by the Madison County Board of Health, and adopted by the city, for the implementation and confirmation of compliance with the above-identified rules and regulations, including all permit and inspection fees.

*(Ord. of 10/30/2017)*

Sec. 13.-56. - [Penalties.]

- (a) Any person or persons or any legal entity including, and not limited to, a corporation, partnership, limited liability company, firm or trust, violating any provision of the rules and regulations identified and adopted in this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or six months imprisonment, or both; provided however, that for any single violation the period of imprisonment shall not exceed 120 days and provided, further, that the judge may probate any part or all of any punishment imposed pursuant to this section.
- (b) Each day during which a violation of any provision of the rules and regulations identified and adopted in this article shall constitute, and shall be considered, a separate offense.

*(Ord. of 10/30/2017)*

Sec. 13.-57. - [Jurisdiction.]

The Municipal Court of Danielsville, Georgia shall have concurrent original jurisdiction upon any offense charged pursuant to this article.

*(Ord. of 10/30/2017)*

Sec. 13.-58. - [Failure to comply.]

In addition to the rights and remedies set forth herein, or as otherwise authorized by law, the city, and the Madison County Board of Health, retain and reserve the right to seek equitable relief, injunction, abatement, or any appropriate action or proceeding to protect the public health, safety and welfare. Failure or refusal to pay any fee approved for the implementation and confirmation of compliance with the above-identified rules and regulations, including all permit and inspection fees, may result in suspension and/or revocation of any permit issued by the Madison County Board of Health.

*(Ord. of 10/30/2017)*

Sec. 13.-59. - [Prosecution—Citations or accusations.]

Violations of all DHR promulgated rules and regulations and all local board of health enactments identified herein may be prosecuted by an accusation or citation, with or without a prosecuting attorney; and the city hereby authorizes the city attorney or his designee to prosecute violations of this ordinance. In addition, the district attorney of Madison County and his or her assistants or designees shall also have the authority to prosecute all citations or accusations issued for violation of the rules and regulations identified and adopted in this article.

*(Ord. of 10/30/2017)*

Sec. 13.-60. - [Severability.]

This article, and the enforcement and prosecution of this article by the city and the Madison County Board of Health, and their authorized agent(s) or designee(s), does not in any way effect, estop, prescribe, regulate, limit, or in any way control or prohibit the Georgia DHR, and its agent(s) or designee(s), from initiating or undertaking any action or proceeding to enforce compliance with its rules and regulations.

*(Ord. of 10/30/2017)*