

SUPPLEMENT NO. 1
March 2022

CODE OF ORDINANCES
County of
GRADY COUNTY, GEORGIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinances of July 6, 2021.

See the Code Comparative Table for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.



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CODE OF ORDINANCES

GRADY COUNTY, GEORGIA

Published in 2021 by Order of the Board of Commissioners



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P.O. Box 2235 Tallahassee, FL 32316

OFFICIALS
of
GRADY COUNTY, GEORGIA
AT THE TIME OF THIS RECODIFICATION

Phillip Drew, Chair
Keith Moye, Vice-Chair
June Knight
Ray Prince
LaFaye Copeland
Board of Commissioners

James "Buddy" Johnson
County Administrator

Gabe Ridley
County Attorney

John White
Humane Resources Director/County Clerk

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of Grady County, Georgia.

Source materials used in the preparation of the Code were the 1994 Code, as supplemented through January 5, 2021, and ordinances subsequently adopted by the Board of Commissioners. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1994 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately

to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Mary Margaret Bielby, Code Attorney, and Vanessa Alvarez, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to John White, Jeanette Shurley, and Gabe Ridley for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the County readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the County's affairs.

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ORDINANCE NO. 07-06-2021

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE COUNTY; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS:

Section 1. The Code entitled "Code of Ordinances, Grady County, Georgia," published by Municipal Code Corporation, consisting of chapters 1 through appendix B, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before January 5, 2021, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine up to the maximum required or permitted by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the County may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the County to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after January 5, 2021, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective July 6, 2021

Passed and adopted by the Grady County Board of Commissioners this 6th day of July 2021.

/s/ _____
Chairman, Phillip Drew

ATTEST:

/s/ _____
County Clerk, John White

1st Reading: June 1, 2021

2nd Reading: June 15, 2021

Board Action

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the Board of Commissioners, held on the 6th day of July, 2021.

/s/ _____
County Clerk

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(This checklist will be updated with the
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

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PART I

SPECIAL ACTS AND RELATED LAWS

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- Section 2. [Commissioner districts.]
- Section 3. [Filling of vacancies.]
- Section 4. [Certification; oath of office.]
- Section 5(a). [Purchasing authority.]
- Section 5(b). [Void purchases.]
- Section 5(c). [Clerk, county attorney, other employees.]
- Section 5(d). [Control of employees.]
- Section 5(e). [Control of county affairs.]
- Section 5(f). [Authority to fix salary, limit duties of chairman.]
- Section 6. [Removal for cause.]
- Section 7. [Jurisdiction.]
- Section 8. [Compensation.]

ARTICLE I. BOARD OF COMMISSIONERS***Section 1. [Composition.]**

Except as hereinafter provided, the board of commissioners of Grady County shall be composed of five members. The members of the board shall be residents of the commissioner districts they represent and shall be elected by a majority of the qualified electors voting within their respective districts. (1939 Ga. Laws, page 612; 1976 Ga. Laws, page 3251; 1984 Ga. Laws, page 4026)

Section 2. [Commissioner districts.]

(a) For the purpose of electing the members of the board of commissioners, Grady County is divided into five commissioner districts as follows:

Commissioner District: 1.

GRADY COUNTY.

VTD: 0005 BLOWING CAVE.

VTD: 0020 LIMESINK & SPRINGHILL (Part).

Tract: 9501.

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VTD: 0045 WOODLAND (Part).

***Editor's note**—Printed herein is 1937 Ga. Laws, page 837, which created the county board of commissioners. Amendments to the original act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. The words "roads and revenues" have been stricken from the name of the governing authority of the county pursuant to O.C.G.A. § 36-5-20. Similarly, the words "ordinary" and "court of ordinary" have been changed to "judge of the probate court" and "probate court," respectively, pursuant to art. VI, § VI, ¶ 14 of the Georgia Constitution of 1976.

State law references—Home rule for counties, Ga. Const. art. IX, § II, ¶ I; supplemental powers of municipalities and counties enumerated, Ga. Const. art. IX, § II, ¶ III; counties a body corporate and politic, Ga. Const. art. IX, § I, ¶ I; county officers, election, term, compensation, Ga. Const. art. IX, § I, ¶ III; power of county governing authority to fix salary and compensation of persons employed by governing authority, Ga. Const. art. IX, § II, ¶ I(f); county a body corporate, O.C.G.A. § 36-1-3; organization of county government, O.C.G.A. § 36-5-20 et seq.; matters over which county commission has jurisdiction, O.C.G.A. § 36-5-22.1; grants of state funds to counties, O.C.G.A. § 36-17-1.

Tract: 9503.

Block: 107, 108, 110, 111, 112, 113, 114, 118, 119, 122.

Tract: 9504.

Block: 105, 110, 111, 112, 113, 114, 115, 121, 145, 146.

VTD: 0060 WHIGHAM (Part).

Tract: 9502.

Block: 132, 133, 134, 137, 138, 151, 152, 153A, 153B, 154A, 154B, 155A, 155B, 156, 157, 158, 159, 160A, 160B, 161, 162, 163, 164, 165, 166A, 166B, 167, 168, 169, 170, 171, 172A, 172B, 172C, 173, 174, 175, 176A, 176B, 176C, 176D, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 201, 202, 203, 204, 205A, 205B, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219A, 219B, 220, 221A, 221B, 222A, 222B, 223, 224, 225, 226, 227, 228, 229, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248A, 248B, 249, 250, 251, 252, 253, 254, 255, 256, 259, 260, 261, 262, 268, 269A, 269B.

Tract: 9503.

Block: 126B, 127, 128B, 405B, 406, 407, 408B, 409A, 409B.

Commissioner District: 2.

GRADY COUNTY.

VTD: 0020 LINESINK & SPRINGHILL (Part).

Tract: 9503.

Block: 123.

VTD: 0030 PINEPARK.

VTD: 0040 SPENCE.

VTD: 0045 WOODLAND (Part).

Tract: 9503.

Block: 128A, 129A, 129B, 129C, 130, 131A, 131B, 132, 133, 134, 135A, 135B, 136A, 136B, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160.

Tract: 9504.

Block: 101, 102, 103, 104, 116, 117, 118, 119, 120, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 148, 149, 150, 151B, 152, 203, 204, 205, 206, 207, 208, 209, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231A, 231B, 231C, 232A, 232B, 233, 236, 239, 240, 241, 242A, 242B, 242C, 243, 244, 245, 301C, 302, 303B, 322B.

VTD: 0055 CAIRO 5 (Part).

Tract: 9504.

Block: 151A.

Commissioner District: 3.

GRADY COUNTY.

VTD: 0010 DUNCANVILLE.

VTD: 0015 HIGDON.

VTD: 0025 MIDWAY (Part).

Tract: 9505.

Block: 108, 109, 110, 111A, 111B, 111C, 124B, 127B, 128B, 129, 130, 131, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 309B, 309C, 316B, 321, 322B, 323, 324, 325, 326, 327, 328, 329, 333, 334, 335, 336, 337, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 424B, 427B, 428, 433, 434, 435.

VTD: 0035 RAGAN.

VTD: 0060 WHIGHAM (Part).

Tract: 9502.

Block: 230, 231, 232, 233, 234, 235, 236, 237, 257, 258, 263, 264, 265.

Commissioner District: 4.

GRADY COUNTY.

VTD: 0050 CAIRO 4 (Part).

Tract: 9503.

Block: 126A, 201, 202, 203, 204A, 204B, 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, 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, 401, 402, 403, 404, 405A, 408A, 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.

Tract: 9505.

Block: 406, 427A, 429, 430, 431, 432.

VTD: 0055 CAIRO 5 (Part).

Tract: 9505.

Block: 402, 403, 404, 405, 407, 408, 409, 410, 425, 426.

Commissioner District: 5.

GRADY COUNTY.

VTD: 0055 CAIRO 5 (Part).

Tract: 9504.

Block: 301A, 301B, 303A, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322A, 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, 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.

Tract: 9505.

Block: 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124A, 125, 126, 127A, 128A, 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, 301, 302, 303, 304, 305, 306, 307, 308, 309A, 310, 311, 312, 313, 314, 315, 316A, 317, 318, 319, 320, 322A, 401, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424A, 436, 437, 438, 439.

(b) For purposes of this section:

- (1) The terms "Tract," "Block," and "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1990 for the State of Georgia;
- (2) The term "Precinct" is synonymous with the term "voting precinct" and means a geographical area designated by Article 7 of Chapter 2 or 3 of Title 21 of the O.C.G.A., within which all electors vote at one polling place;
- (3) Whenever the description of any commissioner district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 1990 for the State of Georgia;
- (4) Precinct names and designations following VTD designations are included for convenience only; and in the event the description of any commissioner district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control;
- (5) Any part of Grady County which is not included in any commissioner district described in this section shall be included within that commissioner district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia; and
- (6) Any part of Grady County which is described in this section as being included in a particular commissioner district shall nevertheless not be included within such commissioner district if such part is not contiguous to such commissioner district. Such noncontiguous part shall instead be included within that commissioner district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.

(c) The members elected from Commissioner Districts 2 and 5 shall be elected at the general election of 1994 and shall serve for terms of office beginning January 1, 1995, and ending December 31, 1998, and until their successors are elected and qualified.

(d) The members elected from Commissioner Districts 1, 3, and 4 as such commissioner districts existed in accordance with former provisions of this Act shall be deemed to represent Commissioner Districts 1, 3, and 4 as set out in the 1994 Act amending this Act and shall complete the terms for which they were elected, which shall end December 31, 1996, and when their successors are elected and qualified. New members to represent Commissioner Districts 1, 3, and 4 shall be elected at the general election of 1996 and shall serve for terms of office beginning January 1, 1997, and ending December 31, 2000, and until their successors are elected and qualified.

(e) Thereafter, successors shall be elected at the general election immediately preceding the expiration of the terms of office and shall serve for terms of office of four years beginning on the first day of January immediately following election and until their successors are elected and qualified.

(f) In order to be eligible for membership on the board, a person must be at least 21 years of age as of the date of taking office, a qualified elector of Grady County, and a resident of the commissioner district from which offering as a candidate. A member of the board must remain a resident of the commissioner district from which elected during the term of office. Any person offering as a candidate for election to the board to represent a commissioner district shall specify the commissioner district for which the person is offering. All members shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the Georgia Election Code.

(1939 Ga. Laws, page 612; 1984 Ga. Laws, page 4026; 1994 Ga. Laws, page 3568)

Section 3. [Filling of vacancies.]

(a) In the event of a vacancy on the board because of death, resignation, removal of residency from the commissioner district, or for any other cause, and the unexpired term is six months or more, such vacancy shall be filled for the unexpired term at a special election which shall be called by the election superintendent of Grady County within ten days after the occurrence of the vacancy. The election superintendent shall set the date of such special election for a day not less than 30 nor more than 45 days after the issuance of the call. Any person elected to fill a vacancy shall possess the same qualifications required of members elected for full terms of office. Such special elections shall be called and conducted in accordance with the applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the Georgia Election Code.

(b) If the unexpired term is less than six months, the remaining members of the board shall appoint a qualified person to fill such vacancy. Such appointment shall be made within 30 days after the date of the vacancy.

(1984 Ga. Laws, page 4026)

Section 4. [Certification; oath of office.]

Be it further enacted that at all elections, including the special election to be held February 1938, for election of commissioners, the names of commissioners elected shall be certified by the clerk of the superior court to the judge of the probate court; and each commissioner, before entering upon the duties of his office, shall be required to take the following oath administered by the judge of the probate court, to wit:

"You will faithfully discharge the duties of commissioner of Grady County and in all matters which require your official action to the best of your knowledge and skill, you will so act in your judgment as will be the most conducive to the welfare and best interests of the entire county; so help you God."

Said oath shall by the judge of the probate court be recorded on the minutes of the probate court.
(1939 Ga. Laws, page 612)

Editor's note—Section 5 of 1937 Ga. Laws, page 837 was deleted in its entirety by 1939 Ga. Laws, page 612.

Section 5(a). [Purchasing authority.]

The chairman of said board, in addition to his other duties as chairman and member, shall constitute either personally or by his immediate direction through the clerk of said board the sole purchasing agency of said county, subject however, to general supervision of the board as a whole through rules and regulations adopted in regular session, and subject to the right of said board as a whole in duly assembled meetings to purchase material, supplies, equipment, machinery, etc., for said county; and, provided further that the chairman of said board shall not be authorized to purchase any item or bill of material, supplies, equipment, machinery, etc., of a value exceeding \$500.00 without the consent, in writing, of enough commissioners to constitute the majority action of said board. It shall be the duty of the chairman or the office of said board to require competitive bids on all purchases made for or in behalf of said county, or to otherwise make purchases on a competitive basis, so as to effect the utmost economy consistent with efficiency and quality; provided however, that this shall not require purchases to be made from persons, firms or corporations located outside of Grady County if fair and open competition can be obtained from persons or businesses located in said county.
(1939 Ga. Laws, page 612)

Section 5(b). [Void purchases.]

Any and all sales to or purchase made by any other officer, agent or employee of or for said county or to or by any office, bureau or department thereof, which is not consummated in accordance with the provisions of Section 5(a) of this Act, as amended, shall be null and void as enforceable claims and obligations of and against said Grady County.
(1939 Ga. Laws, page 612)

Section 5(c). [Clerk, county attorney, other employees.]

There shall be a clerk of said board and also a county attorney to be selected by said board from time to time and to be vested with such duties as may be imposed by law or by resolution or act of said board and said board as a whole, is also authorized to employ such additional executive and administrative personnel, including a warden or road superintendent, a county physician, a county agent, as may be found necessary by said board in order to properly carry on the business and affairs of said county.
(1939 Ga. Laws, page 612)

Section 5(d). [Control of employees.]

Under rules and regulations to be adopted by said board as a whole as to salary and number of personnel, said chairman is vested with the authority to employ or discharge all servants or employees under the jurisdiction of said board, except those holding the positions specifically set out in section 5(e) of this Act as amended, and the said chairman shall have direction and control of all employees of said county specifically named and designated in section 5(c) [of this act] while said board is not in session,

subject to the right of the board as a whole in duly assembled meeting to give lawful direction to said specifically designated officers and employees as to duties to be performed by them between meetings of said board.

(1939 Ga. Laws, page 612)

Section 5(e). [Control of county affairs.]

Subject to the general supervisory power of the board as a whole, the chairman shall generally have charge, supervision, control and management of the affairs of the county between meetings of said board. Said chairman shall devote his entire time to the affairs of the county or so much thereof as may be necessary to promptly and efficiently attend to his duties.

It shall be the duty of said board to designate and appoint some person who is a registered voter of said county to act in the capacity and with the power and authority of the sheriff and/or constables of said county in the collection or enforcement of the unpaid fi. fas. of said county, whenever it is made to appear to the said board that it is necessary and essential in the proper supervision by said board of the books of the tax commissioner of said county and in the proper enforcement of the uncollected tax fi. fas. of said county. Said person, when so designated, shall, while said appointment is effective, be vested with full power and authority to levy any and all of said fi. fas., to bring all property subject to said tax fi. fas. to sale, including the advertising and selling of said property, make, execute and deliver all due and proper transfers of fi. fas. and conveyances and deeds to same, regardless of the amount of any such fi. fa., and regardless of whether the levy is made on real estate or personal property, in the same manner and as fully and effectively as the same may be done by the sheriffs and/or constables under the existing general laws of this state; and all of the acts of said designated person with reference to transfers of fi. fas., levy, advertisement, sale and conveyance of every kind as to any and all of said tax fi. fas., shall be as valid and binding as if done by the sheriffs or constables of said counties. The compensation of the person so appointed shall be as now provided by law for such services and said board shall require a good and sufficient bond of any person so appointed.

(1939 Ga. Laws, page 612)

Section 5(f). [Authority to fix salary, limit duties of chairman.]

Be it further enacted by the authority aforesaid that regardless of any of the provisions of section 5(a), 5(b), 5(c), 5(d), and 5(e) of this Act, as amended, that on and after January 1, 1941, the board of commissioners of said county as a whole shall have and they are hereby vested with power and authority to fix the salary of said chairman, and from time to time to define and limit the duties to be performed by the chairman thereafter for said county.

(1939 Ga. Laws, page 612)

Section 6. [Removal for cause.]

Be it further enacted that if the chairman or any member of the board of commissioners herein created shall at any time accept directly or indirectly any favors or compensation in any form whatsoever to influence or affect their official action or decision they shall thereby forfeit their right to continue in

office and conviction in any court with jurisdiction to try such offense shall in addition to the penalties provided by law automatically remove such commissioner from office and his office will thereby become vacant, to be filled as herein provided.

Section 7. [Jurisdiction.]

Said commissioners shall have exclusive jurisdiction over the following matters, to wit: in directing and controlling all of the property of the county as they deem expedient, according to law; in levying taxes according to law; in establishing, altering or abolishing and changing election precincts and militia districts; in supervising the tax commissioner's books; in allowing insolvent lists for county in settling all claims against and for the county; in the management, collection, handling, keeping and disbursement of all mon[ies] belonging to the county, which may be paid out on warrant drawn on the treasury and signed by the chairman of the board; taking care of the poor; promotion of health; maintaining roads and bridges and public buildings; and shall exercise all other powers now exercised by the judges of the probate courts when sitting for county purposes.

Section 8. [Compensation.]

That the chairman of said board of commissioners of said county shall receive for his services a monthly salary to be fixed by the board as a whole, but not to exceed the sum of \$400.00 monthly, and the four commissioners of said county other than said chairman, shall receive for their services a monthly salary to be fixed by the board as a whole, but not to exceed the sum of \$150.00 per month each.

(1939 Ga. Laws, page 612; 1957 Ga. Laws, page 3324; 1965 Ga. Laws, page 2895; 1976 Ga. Laws, page 3251)

SPECIAL ACTS AND RELATED LAWS COMPARATIVE TABLE

This table shows the location of the sections of the Special Acts and Related Laws and any amendments thereto.

Ga. Laws Year	Page	Section this Special Acts and Related Laws
1939	612	1 2 4 5(a) 5(b) 5(c) 5(d) 5(e) 5(f) 8
1957	3324	8
1965	2895	8
1976	3251	1 8
1984	4026	1 2 3
1994	3568	2

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections; history notes and references.
- Sec. 1-4. Ordinances not affected by Code.
- Sec. 1-5. Provisions considered continuations of existing ordinances.
- Sec. 1-6. Effect of repeal of ordinances.
- Sec. 1-7. Amendments to Code.
- Sec. 1-8. Supplementation of Code.
- Sec. 1-9. Liability for violations by corporations, other associations.
- Sec. 1-10. Severability of parts of Code.
- Sec. 1-11. Altering Code.
- Sec. 1-12. General penalty.
- Sec. 1-13. Interpretation of Code.
- Sec. 1-14. Substantive compliance with Code.
- Sec. 1-15. Prior offenses, penalties, contracts, or rights not affected by adoption of Code.
- Sec. 1-16. Rates, charges, and fees established.

***State law references**—Home rule power of counties, Ga. Const. art. IX, § II, ¶ I; construction of statutes, O.C.G.A. § 1-3-1 et seq.; authority of municipality to adopt ordinances, resolutions or regulations, O.C.G.A. § 36-35-3.

Sec. 1-1. Designation and citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Grady County, Georgia," and may be so cited. This Code may also be cited as the "Grady County Code."

(Code 1994, § 1-1)

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the board of commissioners or the context clearly requires otherwise:

Board, board of commissioners. The term "board" or "board of commissioners" means the board of commissioners of Grady County, Georgia.

Bond. When a bond is required by law, an undertaking in writing, without seal, is sufficient; in all bonds where the names of the obligors do not appear in the bond, but are subscribed thereto, they shall be bound thereby.

Code. The term "Code" means the Code of Ordinances, Grady County, Georgia, as designated in section 1-1.

Computation of time. Except as otherwise provided by time period computations specifically applying to other laws, when a period of time measured in days, weeks, months, years or other measurements of time, except hours, is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted, but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

County. Whenever the terms "county," "the county" or "this county" are used they shall refer to Grady County, Georgia.

Court. The term "court" means the court provided by law for the punishment of offenders against the laws or ordinances of the county, whether the same shall be the court now constituted or a court hereafter established pursuant to law.

Delegation of authority. Whenever a provision requires the head of a department or an official of the county to do some act or perform some function, it shall be construed to authorize the head of such department or the official to designate, delegate and authorize subordinates to do the required act or perform the required function, unless the terms of the provisions designate otherwise.

Gender. The masculine gender shall include the feminine and neuter.

Governor. The term "governor" means the governor of the State of Georgia.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is otherwise declared.

Month, year. The terms "month" and "year" mean calendar month and calendar year, unless otherwise provided.

Names of officers, departments. The name or title of any officer or department shall be read as though the words "of Grady County" were added thereto.

Nontechnical and technical words. The ordinary significance shall be applied to all words, except words of art, or words connected with a particular trade or subject matter, in which case they shall have the significance attached to them by experts in such trade, or with reference to such subject matter.

Number. The singular or plural number shall each include the other, unless expressly excluded.

O.C.G.A. The abbreviation "O.C.G.A." means the Official Code of Georgia Annotated, as amended.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and, in such cases, the terms "affirm" and "affirmed" shall be equivalent to the terms "swear" and "sworn."

Officer. The term "officer" includes those officials appointed by the board of commissioners on a part-time or temporary basis, including the county attorney and probate court judge.

Or, and. The term "or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The term "owner," when applied to buildings or land, shall include any part owner, joint owner, tenant-in-common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person. The term "person" shall extend and be applied to firms, partnerships, associations, organizations, corporations and bodies politic, or any combination thereof, as well as to natural persons.

Personal property. The term "personal property" includes every species of property except real property, as defined in this section.

Preceding and following. The terms "preceding" and "following" mean generally next before and next after, unless the context requires a different significance.

Property. The term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Requirements. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

nience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than another more general provision, the provision imposing the greater restriction or regulation shall be deemed controlling.

Residence. The term "residence" means the place adopted by a person as his place of habitation and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Right-of-way. The term "right-of-way" means land that is dedicated or otherwise legally established for public use.

Roadway. The term "roadway" means that portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall, may. The term "shall" is always mandatory and not merely directory; "may" is permissive.

Sidewalk. The term "sidewalk" means that portion of the street right-of-way which is improved and designated for the use of pedestrians.

Signature or subscription. The term "signature" or "subscription" includes the mark of an illiterate or infirm person.

State. Whenever the term "state," "the state" or "this state" are used, they shall refer to the State of Georgia.

Statute references. Whenever reference is made, for example, to O.C.G.A. § 1-3-3, it shall be construed to refer to the Official Code of Georgia Annotated, § 1-3-3, as amended, or to whatever section is cited.

Street. The term "street" means and includes any public way, road, highway, street, avenue, boulevard, parkway, lane, path, viaduct, bridge or any other name a street is commonly known by, or any public place and the approaches thereto within the county when any part thereof is open to the use of the public and established for purposes of vehicular traffic.

Substantial compliance. A substantial compliance with any requirement of this Code or ordinances amendatory hereof, especially on the part of public officers, shall be deemed and held sufficient; and no proceeding shall be declared void for want of such compliance, unless expressly so provided.

Tenant, occupant. The term "tenant" or "occupant," applied to a building or land, includes any person who occupies the whole or part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and the present.

Title of office. The title of any office shall be construed to include the words "of Grady County, Georgia."

Writing, written. The term "writing" or "written" includes printing and all numerals, and also pictures, illustrations and printed or written designs.

Year. The term "year" means calendar year.
(Code 1994, § 1-2)

State law references—Computation of time, O.C.G.A. § 1-3-1; construction of definitions, O.C.G.A. § 1-3-2; meaning of certain words, O.C.G.A. § 1-3-3.

Sec. 1-3. Catchlines of sections; history notes and references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history notes or source notes appearing in parentheses after each section are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section for the benefit of the user of the Code and shall have no legal effect. Editor's notes, cross references, charter references, related law references and state law references which appear after sections or subsections of this Code, or which otherwise appear in footnote form, are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles, divisions, subdivisions or sections are to chapters, articles, divisions, subdivisions or sections of this Code, unless otherwise specified.

(Code 1994, § 1-3)

State law reference—Notes and catchlines of code sections not part of law, O.C.G.A. § 1-1-7.

Sec. 1-4. Ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any offense or act committed or done, or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness.
- (3) Any contract or obligation assumed by the county.
- (4) Any ordinance fixing the salary of any county officer or employee.
- (5) Any right or franchise granted by the county.
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the county.
- (7) Any appropriation ordinance.
- (8) Any ordinance which, by its own terms, is effective for a stated or limited term.
- (9) Any ordinance providing for local improvements and assessing taxes therefor.
- (10) Any zoning ordinance.
- (11) Any ordinance dedicating or accepting any subdivision plat.
- (12) Any ordinance describing or altering the boundaries of the county.
- (13) The administrative ordinances or resolutions of the county not in conflict or inconsistent with the provisions of this Code.

(14) Any ordinance levying, or imposing taxes not included herein.

(15) Any ordinance establishing or prescribing street grades in the county.

No such ordinance shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(Code 1994, § 1-4)

Sec. 1-5. Provisions considered continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as ordinances adopted prior to this Code and included in such Code, shall be considered as continuations thereof and not as new enactments.

(Code 1994, § 1-5)

Sec. 1-6. Effect of repeal of ordinances.

(a) The repeal of a Code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

(b) When any ordinance repealing a former Code section, ordinance, clause, or provision, shall be itself repealed, such repeal shall not be construed to revive such former Code section, ordinance, clause, or provision, unless it shall be expressly so provided.

(c) An ordinance which is in conflict in its entirety with a subsequent ordinance shall be deemed to be repealed in its entirety, even if no specific repealer is stated. If an ordinance is only partially in conflict with a subsequent ordinance, only the portion of the previous ordinance in conflict with the subsequent ordinance shall be deemed to have been repealed, even if a specific repealer is not stated.

(Code 1994, § 1-6)

Sec. 1-7. Amendments to Code.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of the repeal of chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the board of commissioners.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section ____ of the Code of Ordinances, Grady County, Georgia, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Grady County, Georgia, is hereby amended by adding a section (division, article or chapter) to be numbered ____, which section (division, article or chapter) reads as follows:" The new section, division, article or chapter shall then be set out in full as desired.

(d) All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

(Code 1994, § 1-7)

Sec. 1-8. Supplementation of Code.

(a) By contract or by county personnel, supplements to this Code shall be prepared on an annual basis. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the board of commissioners during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
- (5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Code 1994, § 1-8)

Sec. 1-9. Liability for violations by corporations, other associations.

(a) Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.

(b) Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment, as well as such corporation or unincorporated association or organization, for the violation by it of any provisions of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.
(Code 1994, § 1-9)

Sec. 1-10. Severability of parts of Code.

It is hereby declared to be the intention of the board of commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code is declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.
(Code 1994, § 1-10)

State law reference—Severability, O.C.G.A. § 1-1-3.

Sec. 1-11. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code or to insert or delete pages or portions thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the county to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-12.
(Code 1994, § 1-11)

State law reference—Altering, falsifying or stealing public records unlawful, O.C.G.A. § 45-11-1.

Sec. 1-12. General penalty.

(a) In this section "violation of this Code" means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this section "violation of this Code" does not include the failure of a county officer or county employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Whenever in this Code, or in any ordinance, rule, regulation or order of the county, any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Code or any ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of that provision of the Code or any ordinance, rule, regulation or order shall be punished by the proper court by the imposition of a fine not to exceed \$1,000.00, or imprisonment for not more than six months, or any combination thereof.

(d) The imposition of a fine or penalty does not prevent revocation or suspension of a license, permit or franchise.

(e) Violations of this Code that are continuous with respect to time are a nuisance and may be abated by injunctive or other equitable relief. The imposition of a fine or penalty does not prevent equitable relief.

(Code 1994, § 1-12)

State law references—Magistrate courts, O.C.G.A. § 15-10-1 et seq.; violation of county ordinances, O.C.G.A. § 15-10-60 et seq.; punishment for misdemeanors, O.C.G.A. § 17-10-3; county responsibility for sentencing and maintenance of inmates, O.C.G.A. § 42-5-51(a).

Sec. 1-13. Interpretation of Code.

In all interpretations of this Code, and ordinances, the courts shall look diligently for the intention of the board, keeping in view, at all times, the old law, the evil, and the remedy. Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.

State law reference—Similar provisions as to state laws, O.C.G.A. § 1-3-1.

Sec. 1-14. Substantive compliance with Code.

Substantive compliance with any requirement of the Code, or ordinances, especially on the part of public officers, shall be deemed and held sufficient, and no proceeding shall be declared void for want of such compliance, unless expressly so provided by the enactment.

Sec. 1-15. Prior offenses, penalties, contracts, or rights not affected by adoption of Code.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance or resolution in effect on the date of adoption of this Code.

Sec. 1-16. Rates, charges, and fees established.

(a) Unless otherwise provided for, all rates, charges, or fees necessary for the administration and enforcement of the provisions of this Code shall be as currently established or as hereafter adopted by motion, resolution or ordinance of the board of county commissioners, from time to time. Any rates,

charges, or fees established by the county pursuant to the regulations or requirements established herein may be changed from time to time by the board of county commissioners, and such changes shall both be considered an amendment to this Code.

(b) Whenever any provision of this Code provides that a rate, charge, or fee shall be established by the board of county commissioners, from time to time, and the amount of such rate, charge, or fee is not expressed in this Code in any dollar amount, then the amount of such rate, charge, or fee shall be the most recent and latest amount established, set or fixed by the board of county commissioners by ordinance, resolution or motion.

Chapter 2

ADMINISTRATION*

Article I. In General

- Sec. 2-1. Enactment of ordinances.
- Sec. 2-2. Access to private property by county officials.
- Sec. 2-3. Workers' compensation.
- Secs. 2-4—2-24. Reserved.

Article II. Board of Commissioners

- Sec. 2-25. Meetings.
- Sec. 2-26. Duty of members to attend meetings.
- Sec. 2-27. Rules of procedure.
- Secs. 2-28—2-57. Reserved.

Article III. Officers and Employees

Division 1. Generally

- Sec. 2-58. Work performed by county employees on private property for citizens.
- Sec. 2-59. Personnel policies and procedures manual.
- Secs. 2-60—2-76. Reserved.

Division 2. County Administrator

- Sec. 2-77. Position created.
- Sec. 2-78. Qualifications.
- Sec. 2-79. Duties.
- Sec. 2-80. Additional responsibilities, modification of duties.
- Sec. 2-81. Term of office.
- Sec. 2-82. Bond.
- Sec. 2-83. Compliance with all applicable laws, policies, etc.

***State law references**—Counties a body corporate and politic, Ga. Const. art. IX, § I, ¶ I; county officers, Ga. Const. art. IX, § I, ¶ III; home rule for counties, Ga. Const. art. IX, § II, ¶ I; supplementary powers, Ga. Const. art. IX, § II, ¶ III; county a body corporate, O.C.G.A. § 36-1-3; organization of county government, O.C.G.A. § 36-5-20 et seq.; matters over which county commission has jurisdiction, O.C.G.A. § 36-5-22.1; grants of state fund to counties, O.C.G.A. § 36-17-1.

ARTICLE I. IN GENERAL**Sec. 2-1. Enactment of ordinances.**

(a) Every proposed nonemergency ordinance, before its introduction, must be reduced to writing and a copy thereof filed with the clerk of the board of commissioners not less than 24 hours prior to the meeting at which such ordinance is to be proposed for adoption. Copies shall be immediately prepared and distributed by the clerk to each member of the board of commissioners of the county and to the county attorney.

(b) Every ordinance shall embrace but one subject which shall be clearly expressed in the title, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt.

(c) Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating money to be raised thereby shall be confined to those subjects, respectively. Nothing in this section shall be construed to prevent the board of commissioners of the county from authorizing, in and by the same ordinance, the making of one public improvement and the issuance of bonds therefor.

(d) No ordinance or section thereof will be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance or section as revised or amended.

(e) The reading, paraphrasing or summary of any proposed ordinance shall not be required.

(f) The adoption of any proposed ordinance shall be by majority vote of the total of all board of commission members.

(g) Voting upon the passage of all ordinances shall be taken by "ayes" and "nays" and, unless the vote be unanimous, the names of commissioners voting for and against each proposed ordinance or amendment shall be entered upon the minutes.

(h) Upon motion duly adopted, the board of commissioners may provide for a public hearing prior to the adoption of any ordinance. A notice of intent to hold any such public hearing shall be advertised in the official legal gazette for the county at least two weeks prior to the meeting at which such proposed ordinance will be introduced. Such notice shall contain a subject matter summary and specify the date, time and place such ordinance will be proposed for adoption.

(Code 1994, § 2-1)

State law reference—Board of commissioners authorized to adopt ordinances for the governing and policing of the unincorporated areas of the county, O.C.G.A. § 36-1-20(a).

Sec. 2-2. Access to private property by county officials.

Duly authorized agents or employees of the county, and/or agents or employees of constitutional officers holding county office pursuant to the powers delegated to the county to provide police and emergency services for the general welfare of the citizens of the county, shall have access, at all times, to and through the premises and private property of a resident of the county for purposes of the delivery of

services provided by county, including, but not limited to, public safety and investigative services, fire protection and control, trash and garbage removal, road and bridge repairs, emergency medical services and animal control services.

(Code 1994, § 2-2; Ord. of 3-7-1989, § 1)

Sec. 2-3. Workers' compensation.

(a) All elected officials, volunteer firefighters, members of the volunteer deputy sheriff's corps, official members of the county special deputies, and the county fire and rescue squad shall be considered as employees for the purpose of providing workers' compensation insurance benefits.

(b) An official copy of the policy providing workers' compensation benefits for county employees is on file in the office of the clerk of the board of commissioners.

(Code 1994, § 2-3; Res. of 10-5-1982; Res. of 2-15-1983)

State law reference—Workers' compensation, O.C.G.A. § 34-9-1 et seq.

Secs. 2-4—2-24. Reserved.

ARTICLE II. BOARD OF COMMISSIONERS*

Sec. 2-25. Meetings.

(a) The board of commissioners shall hold regular meetings on the first Tuesday of each month at 9:00 a.m., and third Tuesday of each month at 6:00 p.m., unless otherwise ordered by the board. The board reserves the right to designate the first meeting of the month as a workshop meeting instead of a business meeting.

(b) Any member of the board of commissioners may request the chair to call a special meeting. Due notice of such meetings shall be in accordance with O.C.G.A. § 50-14-1(d).

(c) Meetings shall be held in the commissioners' chamber, which, as of January 1, 2020, shall be located at 33 17th Avenue, Northwest, Cairo, Georgia, unless otherwise designated by the board of commissioners.

(Code 1994, § 2-26; Ord. of 1-1-2020)

State law references—Meetings to be open to public, O.C.G.A. § 50-14-1; due notice requirements for other than regular meetings, O.C.G.A. § 50-14-1(d); excluded proceedings, O.C.G.A. § 50-14-3.

Sec. 2-26. Duty of members to attend meetings.

It shall be the duty of each member of the board of commissioners to attend each meeting of the board unless he is prevented by some unavoidable circumstance.

(Code 1994, § 2-27)

***State law references**—Official names of county governing authorities, O.C.G.A. § 36-5-20; powers and duties of county commissioners, O.C.G.A. § 36-5-22.1.

Sec. 2-27. Rules of procedure.

(a) Except as otherwise provided in this section, Robert's Rules of Order, newly revised, shall be adhered to in all meetings of the board of commissioners. All meetings shall be conducted in a business like, orderly manner. There shall be a written agenda prepared prior to each board meeting. Persons who desire to address the members of the board at a meeting shall be required to notify the clerk of the board before 5:00 p.m. on the Friday prior to the date of the meeting. Each person who desires to address the board shall be limited in his remarks to three minutes in duration. The chairperson of the board of commissioners retains the discretion to recognize any person attending a county commission meeting.

(b) Any three members shall constitute a quorum at any regular or special meeting of the board.

(c) All commissioners shall have one vote each.

(d) If the chairperson is absent from a meeting, the vice-chairperson shall preside.

(e) An affirmative vote of a majority of the members of the board entitled to vote and present shall be sufficient to permit the conduct of all business except that for which a larger vote has been mandated by these ordinances.

(Code 1994, § 2-28; Ord. of 4-7-1998, § 1)

Secs. 2-28—2-57. Reserved.**ARTICLE III. OFFICERS AND EMPLOYEES****DIVISION 1. GENERALLY****Sec. 2-58. Work performed by county employees on private property for citizens.**

(a) All work performed by county employees on private property that is not directly related to the maintenance and service of public roadways shall be permitted only upon the majority vote of the board of commissioners.

(b) All work performed by county employees that is done principally for the benefit of citizens, whether required by law or upon authorization of the board of commissioners shall, be reimbursed by the citizen. The amount paid by the citizen for the service shall be established by the board of commissioners and shall be consistent with costs incurred in providing the service required.

(c) All situations in which county employees are required to enter upon private lands excluding emergency medical services that relate to potential health hazards or emergencies shall be certified as necessary by the county health department or a designee of the health department.

(Code 1994, § 2-51; Ord. of 3-2-1999, § 1)

Sec. 2-59. Personnel policies and procedures manual.

Regulations pertaining to county employees on such subjects as employment policy, employee benefits, holidays, and leaves of absence, travel and employee appraisals are contained in the county personnel policies and procedures manual which is compiled and published separately by the county. An official copy of such manual is on file in the office of the clerk of the board of commissioners.

Secs. 2-60—2-76. Reserved.**DIVISION 2. COUNTY ADMINISTRATOR*****Sec. 2-77. Position created.**

There is hereby created the office of county administrator of the county. The county administrator shall be appointed by a majority vote of the board of commissioners. In addition to the duties contained herein, the county administrator shall assume all such other duties as assigned by the board from time to time and as contained in any job description for the position as may be adopted by the board and as same may be amended.

(Code 1994, § 2-61)

Sec. 2-78. Qualifications.

The county administrator shall be appointed in the manner provided for by the board of commissioners to serve at the pleasure of the board or upon such terms and conditions as the board may provide in a contract with the county administrator recorded on the minutes of the board of commissioners pursuant to O.C.G.A. § 36-10-1.

(Code 1994, § 2-62; Ord. of 1-5-2021)

Sec. 2-79. Duties.

The chairperson of the board of commissioners shall continue to be the chief executive officer of the county and the board shall continue to be the executive entity of the county. It shall be the duty of the board to set overall executive policy and procedures for the county. The county administrator shall be the chief administrative officer of the county and head of the administrative branch of county government. The county administrator shall be responsible to the board for the proper and efficient administration of all affairs of the county over which the manager has jurisdiction. It shall be the duty of the county administrator to:

- (1) Recommend to the board of commissioners the hiring, termination or suspension of all department heads in accordance with the ordinances, policies and rules adopted by the board and all officers and employees of the county under the jurisdiction of the board; provided, however, the county attorney and the outside auditor shall be appointed and removed solely by the action of the board.

*State law reference—County manager authorized, O.C.G.A. § 36-5-22.

- (2) Supervise the administration of the affairs of the county and to see that all ordinances, resolutions, regulations and policies of the board are faithfully executed and enforced.
- (3) Exercise administrative control over all departments or divisions of the county government under the jurisdiction of the board.
- (4) Act as budget officer and submit, subject to requirements established by the board, an annual budget for consideration and adoption by the board of commissioners.
- (5) Keep the board fully advised as to the financial condition and needs of the county.
- (6) Supervise and direct the official conduct of all county officers and department heads appointed by the administrator.
- (7) Attend all meetings of the board with the right to enter into discussion, provided the administrator shall have no vote.
- (8) Be the chief purchasing agent for the county and shall implement policies and procedures adopted by the board for procurement of all supplies and materials.
- (9) Administer the construction and maintenance of all roads and bridges under the jurisdiction of the county, subject to limitations and restrictions as provided herein and as may be hereinafter adopted by the board of commissioners.

(Code 1994, § 2-63; Ord. of 6-5-2001, § 1)

Sec. 2-80. Additional responsibilities, modification of duties.

The board of commissioners shall have full authority to assign additional responsibilities to the county administrator or to restrict or modify the responsibilities previously assigned. The modifications in responsibilities as contemplated herein may be established by the board by ordinance, written directives to the county administrator, modification of job descriptions or by such other method as may be determined by the board consistent with good management practices.

(Code 1994, § 2-64)

Sec. 2-81. Term of office.

The county administrator shall be appointed in the manner provided for by the board of commissioners to serve at the pleasure of the board or upon such terms and conditions as the board may provide in a contract with the county administrator recorded on the minutes of the board of commissioners pursuant to O.C.G.A. § 36-10-1.

(Code 1994, § 2-65; Ord. of 1-5-2021)

Sec. 2-82. Bond.

The county administrator shall be required to execute and deliver a good and sufficient bond payable to the county, such bond to be approved by the board of commissioners and conditioned upon the faithful performance of the duties of the county administrator. The amount of the bond shall be determined from time to time by the board and the cost of procurement of the bonds shall be the

responsibility of the county. The bond shall be delivered to the board within five days of the county administrator assuming the duties of office and shall be filed by the chairperson of the board in the office of the clerk of the superior court of the county.

(Code 1994, § 2-66)

Sec. 2-83. Compliance with all applicable laws, policies, etc.

All actions of the county administrator shall be taken and performed consistent with and in compliance with all federal and state laws, local ordinances and policies and directives as may be established by the board of commissioners.

(Code 1994, § 2-67)

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC BEVERAGES*

Article I. In General

- Sec. 4-1. Generally.
- Sec. 4-2. Definitions.
- Sec. 4-3. Purposes.
- Sec. 4-4. Compliance required.
- Secs. 4-5—4-26. Reserved.

Article II. Licensing

- Sec. 4-27. Required; consideration and approval, issuance; conditional approval.
- Sec. 4-28. Disqualification criteria.
- Sec. 4-29. Application; license not to issue under certain conditions.
- Sec. 4-30. Fees.
- Sec. 4-31. Suspension; revocation; denial of renewal or transfer.
- Sec. 4-32. Transfers; changes of ownership, location.
- Sec. 4-33. Hours of sale.
- Sec. 4-34. Persons under legal age.
- Sec. 4-35. Fingerprinting of beer and wine license applicants and certain employees; fees.
- Sec. 4-36. Employment of persons with prior convictions.
- Sec. 4-37. Distance provisions; allowable proximities to schools, churches, residences.
- Sec. 4-38. Consumption-on-premises establishments.
- Sec. 4-39. Location requirements; signs.
- Sec. 4-40. Automatic forfeiture for nonuse.
- Secs. 4-41—4-68. Reserved.

Article III. Excise Taxes

Division 1. Generally

- Secs. 4-69—4-94. Reserved.

Division 2. Malt Beverages

- Sec. 4-95. Amount.
- Sec. 4-96. Monthly reports; payments.
- Sec. 4-97. Additional to other taxes or license fees.
- Sec. 4-98. Penalty; accrued interest on late reports and delinquent payments; clerk to issue execution.

***State law references**—Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. III, § IX, ¶ VI; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; furnishing to, purchase of or possession by persons under 21 years of age, use of false identification, O.C.G.A. § 3-3-23; public drunkenness, O.C.G.A. § 16-11-41; treatment of alcoholics and intoxicated persons, O.C.G.A. § 37-8-1 et seq.; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

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- Sec. 4-99. False reports or nonpayment declared grounds for revocation of licenses of wholesale dealers.
- Sec. 4-100. Sale of malt beverages upon which tax was not paid prohibited; penalties.
- Secs. 4-101—4-128. Reserved.

Division 3. Wine

- Sec. 4-129. Levied on retail dealers.
- Sec. 4-130. Collection, custody of taxes.
- Sec. 4-131. Additional to other taxes or license fees.
- Sec. 4-132. Invoices; required records kept by wholesaler and retailer.
- Sec. 4-133. Monthly reports; payments.
- Sec. 4-134. Penalty; accrued interest on late reports and delinquent payments; clerk to issue execution.
- Sec. 4-135. Noncompliance, false reports or nonpayment declared grounds for revocation of licenses.
- Sec. 4-136. Sale of wine or other alcoholic beverages upon which tax was not paid prohibited; penalties.

ARTICLE I. IN GENERAL**Sec. 4-1. Generally.**

Unless otherwise provided by state law, this chapter outlines current alcoholic beverage procedures in the county.

Sec. 4-2. Definitions.

The definitions set forth in O.C.G.A. § 3-1-2 (Alcoholic Beverages—Definitions), shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in O.C.G.A. § 3-1-2, and shall have the same scope and effect that the same words, terms and phrases have where used in O.C.G.A. § 3-1-2.

Legal age is identical with the legal age provided in the acts of the legislature of the state relative to alcoholic beverages and as the same may from time to time be amended.

Private club means an organization existing under the law of the state or a charter from a state or national parent organization, and having a tax-exempt status under section 501 of the U.S. IRS Code (26 U.S. Code § 501), having at least 50 members regularly paying monthly, quarterly, semiannual or annual dues, organized and operated exclusively for pleasure, recreation and other nonprofitable purposes, owning, hiring or leasing a building or space therein for the reasonable use of its members, provided that no member or officer, agent or employee of the club is paid or directly receives, in the form of salary or other compensation, any profits from the sale of alcoholic beverages to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Retail package dealer means any person who sells alcoholic beverages packaged to be carried out and not for consumption on the premises of the sale.
(Code 1994, § 6-1; Ord. of 5-1-1988, § 1)

Sec. 4-3. Purposes.

This chapter has been enacted for the purpose of promoting the health and general welfare of the county; to establish reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages; to protect and preserve schools, and churches; to give effect to existing land use; to preserve residential areas with reasonable consideration being given to the character of the area and their peculiar suitability for particular uses, the congestion in roads, and streets, and with a general view of promoting desirable living conditions, sustaining the stability of neighborhoods and property values; and to prevent an undesirable person from engaging in or having an interest in alcoholic beverages or the sale thereof in the county; to enhance the economic development of the county and to provide a medium that will encourage the development of the hospitality industry.
(Code 1994, § 6-2; Ord. of 5-1-1988, § 2)

Sec. 4-4. Compliance required.

It shall be unlawful for any person to sell or offer for sale at wholesale or retail, any alcoholic beverages, which shall include malt beverages and wines, within the unincorporated areas of the county without having first complied with the provisions of this chapter, but the properly licensed sale of same is hereby declared lawful.

(Code 1994, § 6-3; Ord. of 5-1-1988, § 3)

Secs. 4-5—4-26. Reserved.

ARTICLE II. LICENSING

Sec. 4-27. Required; consideration and approval, issuance; conditional approval.

(a) No alcoholic beverages shall be manufactured or warehoused except under license granted by the board of commissioners as provided herein, but the properly licensed sale of same is hereby declared lawful.

(b) Each application provided for in this article shall be considered and passed upon the board of commissioners in regular or special session, legally assembled. Upon approval of the application and payment of the required license fee, the applicant shall be entitled to the issuance of the license; provided, however, the board reserves the right to approve such issuance of the license or licenses conditioned upon full and final compliance by the licensee with all applicable county ordinances, regulations and state laws. (Code 1994, § 6-26; Ord. of 5-1-1988, § 4)

Sec. 4-28. Disqualification criteria.

When contrary to the public interest and welfare, no original application shall be considered and no license to sell alcoholic beverages of any kind shall be issued by the board of commissioners to or for:

- (1) Any person, as determined by the board by reason of such person's business experience, financial standing, moral character, mental capacity, trade associations, personal associations, record of arrest, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state and local laws, rules and regulations.
- (2) Any person who has been convicted or who has entered a plea of nolo contendere, or forfeited a bond, to any felony within a period of ten years immediately prior to the filing of any such application, or to any misdemeanor within a period of five years immediately prior to the filing of any such application, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance except a traffic violation, particularly, but not limited to, those involving force or violence, prostitution, alcoholic beverages, gambling or tax law violations. The term "convicted" or "conviction" includes an adjudication of guilt or plea of guilty, or a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding this provision, the board, in its sole discretion and by a unanimous vote, may direct the issuance of a license to persons who have in the past been convicted of, or plead guilty to, or

entered a plea of nolo contendere, or forfeited a bond on any crime, and the commission after a thorough investigation of all the facts, including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant have determined that such action is in keeping with the public good and ends of justice, or the public interest and welfare.

- (3) A location at which a previous alcoholic beverage license has been revoked or suspended, and wherever, in the judgment of the board, the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.
- (4) Any person who is an elected official (or that person's spouse, parent or child of) or employee (or that person's spouse, parent or child of) of the board of commissioners.

(Code 1994, § 6-27; Ord. of 5-1-1988, § 5)

Sec. 4-29. Application; license not to issue under certain conditions.

(a) All applications for licenses under this article shall be made on forms furnished the applicant by the clerk of the board and shall indicate, along with all reasonable information necessary to complete the form, which of the following is to be considered for licensing of the applicant to conduct:

- (1) Retail package beer and wine.
- (2) Retail beer and wine; consumption on the premises.
- (3) Wholesale beer and wine.

(b) Upon approval by the board of commissioners of an original or renewal application for license of one or more of the above type sales of alcoholic beverages, such sales of alcoholic beverages may be made by the applicant after a license is issued for all or the remaining part of the calendar year in which the license is issued unless the license is revoked or suspended for due cause as provided in section 4-31. The month of December of the year of the most recent license is hereby allowed for filing of an application for renewal for a new license year. If application for renewal and payment of license fees are not received by the clerk before January 1 of such renewal year, all sales of such alcoholic beverages shall cease as of the last legal hour in December for such sales.

(c) Wholesale sales of permitted alcoholic beverages in the county by wholesalers licensed by the state are hereby declared legal, subject to the right of the board to charge a wholesaler for any violation of state law or regulation, and to request a hearing thereon before the state revenue commissioner.

(d) No person, or his spouse, parent or child, who has a direct financial interest in a license for the sale of alcoholic beverages at wholesale, shall hold any license or have an interest in any other license issued under the terms of this article.

(e) The clerk of the board of commissioners shall cause an inquiry to be made into the tax records to determine if any applicant or other parties interested in an application have any outstanding taxes or special assessments that are delinquent or any other monies owing to the county. No license shall be issued nor shall a license be renewed until all such debts are paid in full.

(f) All applications required by this article shall be investigated by the county sheriff and the report of investigation presented to the board of commissioners for consideration with the application.
(Code 1994, § 6-28; Ord. of 5-1-1988, § 6)

Sec. 4-30. Fees.

The following annual fees shall be paid to the county before any license to sell alcoholic beverages is issued in amounts as stated in the county fee schedule and to be determined by the board by resolution from time to time:

- (1) Retail package beer and wine.
- (2) Retail beer and wine.
 - a. Person: consumption on the premises (may also sell occasionally, packaged beer, with no beer to be consumed on the premises outside of the building).
 - b. Private club: consumption on the premises.
- (3) Wholesale beer and wine.
- (4) Upon filing an original application or reapplication (except renewals) with the clerk of the board of commissioners, the applicant shall deposit, in cash or by check, a processing fee in an amount to be determined by the board by resolution from time to time, to cover the expenses of investigation and processing the application which fee shall not be refundable and shall apply against the fee of any license granted hereunder. There will be no investigation fee charged wholesalers licensed by the state.
- (5) On all renewals filed and fee paid on or after January 5 of the license renewal year, there shall be paid a ten-percent delinquent penalty.
- (6) When licenses are obtained during the license year, license fees shall be prorated quarterly (i.e., including the quarter in which the license is issued).

(Code 1994, § 6-29; Ord. of 5-1-1988, § 7; Ord. of 8-2-2011)

Sec. 4-31. Suspension; revocation; denial of renewal or transfer.

(a) *Notice, hearing.* Any license which has been issued under this article, or which may hereafter be issued by the county to any licensee, may be denied, suspended or revoked or transfer refused, by the board of commissioners for due cause. Before the board of commissioners shall deny any application for a license or for the transfer of any license, or shall revoke or suspend any existing license, the applicant shall be given notice, in writing, from the clerk of the board to show cause before the board at a time and place specified therein not less than three days nor more than ten days from the date of service of the notice, why the application for, or renewal of, a license or for transfer of license should not be denied, or why the license should not be revoked or suspended, as the case may be, stating the grounds therefor, and, at the appointed time and place, the applicant or licensee shall have an opportunity to show cause, if any exist, why the application should not be denied or the license revoked or suspended, after which the board shall take such action as it, in its judgment and discretion, shall deem warranted under the facts. The hearing herein provided for need not be at a regular meeting of the board but may be at such time and place as shall be fixed in the notice. All decisions denying, suspending or revoking any license or

application shall be in writing, with the reasons therefor stated, and mailed or delivered to the applicant. In addition, at any hearing as provided herein, the party afforded the hearing shall have the opportunity to present evidence, have an attorney, and have testimony recorded at his expense.

(b) *Due cause generally.*

- (1) Due cause for the suspension, revocation or denial of the renewal or transfer of any license shall consist of an act or omission found to be by the board, after a hearing as provided above, a violation of any law or ordinance regulating such business, or violations of regulations made pursuant to authority granted for the purpose of regulating such business, or for the violation of any state or federal law, or for the violation of any county or city ordinances, other than traffic violations or ordinances, or failure of the licensee or his employee to promptly report to the sheriff's department any violation of the law or ordinance, breach of peace, disturbance or altercation, resulting in violence occurring inside the premises.
- (2) Due cause may also be found should the licensed establishment have become a trouble spot in the judgment of the board by reason of disturbances or acts of disorderly conduct or violence having occurred in the establishment or on the premises thereof; provided, that when the license of any establishment has been revoked or renewal of license denied because the establishment has become a trouble spot, no further license shall be issued under this article to any person at that location for a period of at least 12 months from the date of revocation.
- (3) Due cause shall also consist of the business or the operation or location thereof, or the owner or any person connected therewith, ceasing to meet any of the qualifications for the issuance of license as stated in this article.
- (4) Due cause may also be found upon the revelation of any false statement or material misrepresentation in any application hereunder. Any material omission from or untrue or misleading information which is contained in an original, renewal or transfer application for license hereunder shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license.
- (5) Failure to control operation resulting in public nuisance. If the failure to control the operation either inside the building or outside on the property results in controlled substance abuse, prostitution, gambling, flagrant indecent conduct or obscenity, fighting, excessive noise, loitering or illegal parking, to the number of times and extent that the commission, after proper hearing, should find the establishment to have become a public nuisance, then such failure may be declared to be due cause for suspension or revocation of the alcoholic beverage license for such establishment, or the denial or renewal application for same.

(c) *Emergency due cause; failure or refusal to cooperate with sheriff acting in line of duty.* On evidence of failure or refusal of the licensee or employee hereunder to cooperate with any sheriff or officer of the law on any reasonable request or action within such officer's duties, responsibilities or powers, including all police powers, rights and duties to investigate to determine any pertinent fact relating to the establishment, the licensee, any employees or corporate officers or partners, the sheriff shall immediately

order all sales of any alcoholic beverages suspended until after a hearing as set out in the due cause hearing provided for in subsection (a) of this section, such hearing to be concerning such failure or refusal to cooperate.

(d) *No refund of license fee.* When a license is so revoked or suspended, the county shall not be required to refund any portion of the license fee.

(e) *Effect of revocation by state.* Whenever the state shall revoke any permit or license to sell any alcoholic beverage at retail, the county license to deal in such product shall thereupon be automatically revoked without any action by the board of commissioners. If the state has suspended the license or placed the same on probation, the county license is automatically suspended or probated, as the case may be.

(f) *Emergency situation.* The county administrator is the delegated authority to suspend any license hereunder in any emergency situation, and such suspension may be made effective immediately and remain in force until the next regular or called meeting of the board. In addition, in any emergency situation, the sheriff is hereby authorized to cause the business in question to close temporarily until he decides the emergency or possible riotous situation to be at an end, or until such decision is made by the board at its regular meeting, whichever occurs first.

(Code 1994, § 6-30; Ord. of 5-1-1988, § 8)

Sec. 4-32. Transfers; changes of ownership, location.

(a) Licenses under this article shall not be transferable except as otherwise provided in this section.

(b) In case of the death of any person owning a license, or any interest therein, with the approval of the board of commissioners and subject to the terms of this section, the license may be transferred to the administrator, executor or personal representative of the deceased person, or to the heir at law of the deceased person, if such administrator, executor, personal representative or heir meet all of the other qualifications contained herein. The license of such deceased person or personal representative of such deceased person shall be valid only for the time necessary to complete execution of his estate and disposition of the license or his interest therein, but in no event to exceed six months.

(c) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license from withdrawing from the partnership and assigning his interest in such partnership to one or more of the partners who were partners at the time of the issuance of the license. Such withdrawal shall not, however, serve to bring any new ownership into the partnership, unless all provisions of this section are fully complied with, and then only upon the approval of the board.

(d) Any change in the ownership interests contained on the application shall cause the immediate cessation of sales of any alcoholic beverages and no sales of alcoholic beverages shall be made until any such change or changes in the ownership interests are approved by the board, provided, however, that this provision shall not apply in a situation where one or more individuals who have ownership interests in the license cease to have such ownership interest, but the remaining ownership interest remains unchanged except as to the division of the remaining interests.

(e) Should a transfer of the location be desired, the location shall meet all requirements of a new license to be issued hereunder, except payment of the license fee. The investigation fee will accompany the application and the unearned portion of the license fee may be transferred to the new location in the event the transfer of location is approved by the board.

(f) An application for a new license on an existing licensed location shall meet all requirements of a new license to be issued hereunder except payments of license fee shall be waived only in the case of a purchaser of a business where an existing license remains valid. The investigation fee will accompany the application and the unearned portion of the license fee may be transferred to the new license in the event the transfer or issuance of a new license on an existing licensed location is approved by the board.

(Code 1994, § 6-31; Ord. of 5-1-1988, § 9)

Sec. 4-33. Hours of sale.

(a) Packaged beer or wine locations.

- (1) It shall be unlawful for any licensee licensed to sell packaged beer or wine under this article and to permit the sale or engage in the sale of such beer or wine except from 5:00 a.m. to 12:00 midnight, Monday through Saturday. For security purposes, if any work is needed to be done during legally closed hours, the sheriff's department must be notified at least two hours in advance.
- (2) Hotels, motels, grocery stores, service stations and restaurants shall not be required to close unrelated functions and activities not licensed under this chapter or customarily operated at hours other than the foregoing specified hours, but all alcoholic beverages of any nature must be and remain in the custody and control of the licensee or his employees, and may not be dispensed in any manner, and the licensee is hereby required to evict any other person possessing any of the above.

(b) Beer or wine on-the-premises consumption.

- (1) It shall be unlawful for any licensee licensed to sell beer or wine to permit the sale or engage in the sale of such beer or wine except from 5:00 a.m. to 12:00 midnight on Monday through Thursday and Saturday. All customers will clear the premises no later than 1:00 a.m. on such weekdays and Sunday and all owners and employees shall vacate the premises before 2:00 a.m. on such weekdays and Sunday except as set forth herein. It shall be unlawful for any licensee to sell beer or wine except during the hours of 5:00 a.m. on Friday to 1:00 a.m. on Saturday. All customers will clear the premises no later than 2:00 a.m. on Saturday, and all owners and employees shall vacate the premises before 3:00 a.m. on Saturday. For security purposes, if any work is needed to be done during legally closed hours, the police department must be notified at least one hour in advance.
- (2) Hotels, motels grocery stores, service stations, and restaurants shall not be required to close unrelated functions and activities not licensed under this chapter or customarily operated at hours other than the foregoing specified hours, but all alcoholic beverages of any nature must be

and remain in the custody and control of the licensee or his employees, and may not be dispensed in any manner, and the licensee is hereby required to evict any other person possessing any of the above.

(c) *Wholesalers.* The business hours of any wholesaler licensed hereunder shall be from sunrise to sunset, exclusive of Sunday.

(Code 1994, § 6-32; Ord. of 5-1-1988, § 10; Ord. of 12-20-1988)

Sec. 4-34. Persons under legal age.

(a) *Furnishing.* It shall be unlawful and punishable as a misdemeanor for any person holding any alcoholic beverage license, or any other person, or his agent or employee, to sell or give away, or permit the sale or gift of any alcoholic beverage to any person under legal age, except for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state, or in the home with parental consent. No person shall be convicted under this section if such person has been furnished with proper identification showing that the person who is being furnished alcoholic beverages is of legal age or over. For purposes of this section, the term "proper identification" means any document issued by a government agency containing a description of the person, with the person's photograph, and giving the person's date of birth, and includes, without being limited to, a passport, military identification card, driver's license, or state identification card. The licensee shall cause all persons who appear to be near the legal age to exhibit, and the licensee or his employee shall inspect, one of the means of identification allowed above.

(b) *Consumption, possession.* Except as hereinafter provided, it shall be unlawful and punishable as provided herein, for any person under legal age to purchase or possess any alcoholic beverage except for medical purposes pursuant to the prescription of a physician duly authorized to practice medicine in the state, or in the home with parental consent.

(c) *Attempting to purchase or possess alcoholic beverage.* It shall be unlawful for any person under legal age to attempt to purchase or possess any alcoholic beverage.

(d) *Use of fake, etc., credentials.* It shall be unlawful for any person under legal age to exhibit fake, forged or borrowed credentials in an effort to obtain alcoholic beverages to which he is not entitled.

(e) *Underage persons on licensed premises.* No person who holds an alcoholic beverage license allowing on-the-premises consumption, or his agent or employee, shall allow any person who has but not attained legal age to be in, frequent, or loiter about the licensed premises unless such person is accompanied by a parent or legal guardian, or unless such person is an employee of the license holder; provided, however, that such person shall be permitted in restaurants or other places serving food without being accompanied by a parent or legal guardian. The provisions of this section shall not apply to a person in the military service who has reached the age of 18 years and who has on his person a valid military identification card.

(f) *Employment of persons under legal age.* Nothing contained in this section shall be construed as prohibiting any person under legal age from:

- (1) Dispensing, serving, selling, taking orders or handling alcoholic beverages as a part of employment in any licensed establishment.

- (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured.
- (3) The provisions of this section shall not prohibit persons under legal age who are employed in supermarkets, convenience stores, breweries or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises.

(Code 1994, § 6-33; Ord. of 5-1-1988, § 11)

Sec. 4-35. Fingerprinting of beer and wine license applicants and certain employees; fees.

(a) Each applicant for a license to sell beer or wine in the county, who has not heretofore been licensed by the county to sell beer or wine at retail, shall be required to submit to a complete fingerprinting record and test, pursuant to the rules and regulations established by the board of commissioners from time to time, the same being used by the county to supplement the information contained on the application and to make available to the board any records of criminal offenses, either federal or state, from other jurisdictions. Each new applicant (not renewals) shall pay an investigation fee as stated in the county fee schedule in an amount to be determined by the board by resolution from time to time.

(b) The county administrator, within his own discretion, from time to time, may require employees working in an establishment selling beer or wine to submit information for purposes of supplementing any information available to the city with respect to employees. Each such employee shall pay a fee as stated in the county fee schedule in an amount to be determined by the board by resolution from time to time for local records check and identification card to be worn while so employed.

(Code 1994, § 6-34; Ord. of 5-1-1988, § 12)

Sec. 4-36. Employment of persons with prior convictions.

(a) No licensee shall employ in any premises for the sale of alcoholic beverage any person in any capacity found to have been convicted of, or who shall have entered a plea of nolo contendere to, any felony within a period of ten years immediately prior to the filing of any such application, or to any misdemeanor within a period of five years immediately prior to the filing of any such application, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance except a traffic violation. The term "conviction" includes an adjudication of guilt or plea of guilty, or a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime.

(b) Notwithstanding the provisions of subsection (a) of this section, the board of commissioners in its sole discretion may direct the issuance of a letter of eligibility to persons who have in the past been convicted of, or plead guilty to, or entered a plea of nolo contendere, or forfeited a bond on any crime not involving force or violence, and the board after a thorough investigation of all facts, including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant have determined that such action is in keeping with the public good and ends of justice, or the public interest and welfare.

(Code 1994, § 6-35; Ord. of 5-1-1988, § 13)

Sec. 4-37. Distance provisions; allowable proximities to schools, churches, residences.

(a) *Distance from residential property.*

- (1) *Beer and wine consumption on premises.* No license hereunder shall be granted to any proposed location which is within 50 feet of any private residence. The distance for the purpose of this section shall be measured in all directions from the nearest wall enclosing the proposed store where alcoholic beverages are sold to the nearest point of any residential property line.

- (2) *Private clubs.* Distance requirements of subsection (a)(1) of this section are not applicable for private clubs that were in operation prior to January 1, 1985, operating as a corporation organized and existing under the laws of the state as defined herein.

(b) *General distance provisions.*

- (1) *All beer and/or wine sales; exceptions.* No beer or wine may be sold at any location within 300 feet of any church, school building, school grounds, college campus or alcoholic treatment center owned and operated by any branch of government. No beer or wine shall be sold for on premises consumption at any location within 1,000 feet of any church, school building, school grounds, college campus or alcoholic treatment center owned and operated by any branch of government. The school building or educational building referred to herein shall apply only to state, county, city or church school buildings and to such buildings at such other schools in which subjects commonly taught in the common schools of the state are taught.
- (2) *Exceptions for the licensing of certain hotels or motels and certain private clubs.* Nothing contained in this section shall prohibit the licensing of the sale of alcoholic beverages by:
- a. Hotels or motels of 50 guestrooms or more.
 - b. Bona fide private clubs licensed under the provisions for licensing liquor pouring in such clubs.
- (3) *Distance measurement methods.* Unless otherwise provided in this chapter, all measurements to determine distances for the requirements of subsections (b)(1) and (2) of this section shall be measured by the most direct unimpeded route of travel on the ground and shall be measured in the following manner:
- a. From the front door of the structure from which alcoholic beverages are sold or offered for sale.
 - b. In a straight line to the nearest public sidewalk, walkway, street, road or highway.
 - c. Along such public sidewalk, walkway, street, road or highway by the nearest route.
 - d. To the front door of the building, or the nearest portion of the grounds, whichever is applicable to the language of subsections (b)(1) and (2) of this section.

(Code 1994, § 6-36; Ord. of 5-1-1988, § 14)

Sec. 4-38. Consumption-on-premises establishments.

(a) *Off-street parking.* The requirements of off-street parking for this section are that sufficient off-street parking shall be available so that patrons shall not be required to park within the right-of-way of any adjoining roadway.

(b) *Visibility; shrubbery.* On any premises occupied by a license holder hereunder, the immediate proximity of the building shall be maintained so as to keep vegetation low and vision unobstructed. Failure to comply with the provision shall be grounds for suspension or revocation of consumption-on-premises licenses, or denial or renewal of such licenses.

(c) *Prohibited consumption on-premises.* No licenses hereunder shall permit consumption of alcoholic beverages except inside portions of the building legal for such consumption.

(d) *Premises to be well-lighted.* The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall have sufficient lighting so that all entrances and parking areas are clearly visible at all times when the premises are open for business. Also, the lounge and restaurant areas, if any, and all tables, booths and other areas where customers are served, and all passageways for customers shall be sufficiently well-illuminated so that they may be viewed by those in such areas.

(e) *Fire and safety; maximum occupancy provisions.* All drinking establishments licensed or to be considered for licensing for consumption on the premises of any alcoholic beverages shall be measured as to the net usable floor area, and publicly visible posters stating the maximum number of persons allowable inside the building where such beverages are consumed shall be posted by fire or safety officials. The maximum allowable floor space per occupancy in the net usable floor area shall be 15 square feet. The alcoholic beverage licensee will be responsible for seeing that the established occupancy limits are not exceeded, and the violation of this provision shall be due cause for suspension or revocation of the alcoholic beverage license by the board of commissioners after proper hearing.

(Code 1994, § 6-37; Ord. of 5-1-1988, § 15)

Sec. 4-39. Location requirements; signs.

(a) No beer or wine shall be sold at retail except in retail establishments devoted principally to the retail sale of groceries and food products.

(b) No sign shall be erected anywhere within the county advertising or promoting the sale of beer or wine except at a retail food store displaying its merchandise on counters where signs are erected displaying the merchandise may, in the same manner as such other merchandise is displayed, erect a sign or signs indicating the counter on which beer or wine is sold; provided the lettering on such signs does not exceed in size the lettering of signs on other counters where other products are sold; provided further that eating establishments providing its customers with a regular printed menu may print on such menu the name, brand or type of beer or wine served and the price per serving.

(Code 1994, § 6-38; Ord. of 5-1-1988, § 16)

Sec. 4-40. Automatic forfeiture for nonuse.

Any holder of any license under this article who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the products authorized, shall after the three-month period automatically forfeit the license without the necessity of any further action.

(Code 1994, § 6-39; Ord. of 5-1-1988, § 17)

Secs. 4-41—4-68. Reserved.

ARTICLE III. EXCISE TAXES

DIVISION 1. GENERALLY

Secs. 4-69—4-94. Reserved.

DIVISION 2. MALT BEVERAGES

Sec. 4-95. Amount.

(a) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 1½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons.

(b) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(Code 1994, § 6-71; Ord. of 5-1-1988, § 18)

State law reference—Excise tax on malt beverages, O.C.G.A. § 3-5-80.

Sec. 4-96. Monthly reports; payments.

Each wholesale dealer selling malt beverages within the county shall file a report with the clerk of the board of commissioners by the 15th day of each month showing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold by him within the unincorporated areas of the county. Each such wholesale dealer shall remit to the county not later than the 15th day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with section 4-95.

(Code 1994, § 6-72; Ord. of 5-1-1988, § 19)

Sec. 4-97. Additional to other taxes or license fees.

The excise tax provided for in this article shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages at wholesale within the county.

(Code 1994, § 6-73; Ord. of 5-1-1988, § 20)

Sec. 4-98. Penalty; accrued interest on late reports and delinquent payments; clerk to issue execution.

The failure to make a timely report and remittance pursuant to this division shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due, plus interest accrued at the rate of 12 percent per annum. The clerk of the board shall issue an execution against the wholesale dealer, firm or corporation so delinquent on his or its property, for the amount of the excise tax due and delinquent, plus penalty and interest accrued, and shall proceed to collect same in the same manner as is done in the case of executions issued for collection of county ad valorem property taxes.

(Code 1994, § 6-74; Ord. of 5-1-1988, § 21)

Sec. 4-99. False reports or nonpayment declared grounds for revocation of licenses of wholesale dealers.

At any time it is found that false and fraudulent reports have been made by the wholesale dealer, his agents, officers or employees, and upon which payment of malt beverages excise tax was reported or paid to the county, and at any time the monthly report and payment required hereunder is past due over 30 days, the wholesale licensee shall be given not less than three days' nor more than ten days' notice of

hearing before the board of commissioners to show cause why his license to sell malt beverages in the county should not be suspended or revoked because of such false and fraudulent reports, or nonpayment of taxes past due more than 30 days.

(Code 1994, § 6-75; Ord. of 5-1-1988, § 22)

Sec. 4-100. Sale of malt beverages upon which tax was not paid prohibited; penalties.

It shall be a violation of this division for any person to sell at retail or otherwise within the county any malt beverage on which the tax as set out in this division has not been paid to the wholesaler for the county as above provided. In addition to the penalties provided for by ordinance, the violation of this article shall be deemed a sufficient ground for the revocation of the license of any retail or wholesale dealer holding a license or permit to sell malt beverages within the county.

(Code 1994, § 6-76; Ord. of 5-1-1988, § 23)

Secs. 4-101—4-128. Reserved.

DIVISION 3. WINE

Sec. 4-129. Levied on retail dealers.

There is hereby levied and imposed upon all retail dealers selling wine or other alcoholic beverages within the county a specific excise tax computed on the basis of \$0.83 per gallon or metric equivalent of wine or other alcoholic beverages sold by each retail dealer within the county.

(Code 1994, § 6-86; Ord. of 5-1-1988, § 24)

Sec. 4-130. Collection, custody of taxes.

At any time of delivery of wine or other alcoholic beverages to any retail dealer, the wholesaler shall collect from the retail dealer the excise taxes imposed herein and hold the same in trust for the county until said tax is remitted to the county as hereinafter provided.

(Code 1994, § 6-87; Ord. of 5-1-1988, § 25)

Sec. 4-131. Additional to other taxes or license fees.

The excise tax provided for in this division shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling at retail wine or other alcoholic beverages within the county.

(Code 1994, § 6-88; Ord. of 5-1-1988, § 26)

Sec. 4-132. Invoices; required records kept by wholesaler and retailer.

Upon each and every delivery by a licensed wholesaler to a licensed retailer, an invoice in duplicate shall be prepared showing the number and size of each container of wine and other alcoholic beverages delivered, together with the price therefor and the excise taxes due and collected thereon. The original of such invoice shall be delivered by the wholesaler to the retailer simultaneously with such delivery, and the

second copy of such invoice shall be retained by the wholesaler. Each retailer or wholesaler shall keep said invoices or copies for a period of 12 months after the date of delivery, and during such 12-month period, such invoices shall be made available for inspection by a representative of the county.

(Code 1994, § 6-89; Ord. of 5-1-1988, § 27)

Sec. 4-133. Monthly reports; payments.

Each wholesale dealer selling wines or other alcoholic beverages within the county shall file a report with the clerk of the board of commissioners by the 15th day of each month which shall correctly show the name of each retail dealer to whom a delivery was made during the preceding calendar month, the quantities of wine and other alcoholic beverages delivered to each dealer, the amount of excise tax collected under the terms herein, and such other reasonable information as may be required by the county. Such report shall be accompanied by remittance made payable to the county for all taxes collected or due, as shown on the report.

(Code 1994, § 6-90; Ord. of 5-1-1988, § 28)

Sec. 4-134. Penalty; accrued interest on late reports and delinquent payments; clerk to issue execution.

The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due, plus interest accrued at the rate of 12 percent per annum. The clerk of the board of commissioners shall issue an execution against the wholesale dealer, firm or corporation so delinquent on his or its property, for the amount of the excise tax due and delinquent, plus penalty and interest accrued, and shall proceed to collect same in the same manner as is done in the case of executions issued for collection of county ad valorem property taxes.

(Code 1994, § 6-91; Ord. of 5-1-1988, § 29)

Sec. 4-135. Noncompliance, false reports or nonpayment declared grounds for revocation of licenses.

At any time it is found that a wholesale dealer has not complied with the terms imposed in this division, or that a wholesale dealer has made a false and fraudulent report to the county upon which excise taxes were reported or paid to the county, or at any time the monthly report and payment called for in section 14-133 is past due over 30 days, the wholesale licensee shall be given not less than three days' nor more than ten days' notice of a hearing before the board of commissioners to show cause why his license to sell wine or other alcoholic beverages in the county should not be suspended or revoked because of such noncompliance, or false and fraudulent reports, or nonpayment of taxes past due more than 30 days.

(Code 1994, § 6-92; Ord. of 5-1-1988, § 30)

Sec. 4-136. Sale of wine or other alcoholic beverages upon which tax was not paid prohibited; penalties.

It shall be a violation of this division for any person to sell at retail or otherwise within the county any wine or other alcoholic beverages on which the tax as set out in this division has not been paid to the wholesaler for the county as above provided. In addition to the penalties provided herein, the violation of this division shall be deemed a sufficient ground for the revocation of the license of any retail or wholesale dealer holding a license or permit to sell wine or other alcoholic beverages within the county.

(Code 1994, § 6-93; Ord. of 5-1-1988, § 31)

Chapter 5

RESERVED

Chapter 6

ANIMALS*

Article I. In General

- Sec. 6-1. Title.
- Sec. 6-2. Definitions.
- Sec. 6-3. Animal control department.
- Sec. 6-4. Contractual agreements with municipalities authorized; conditions.
- Sec. 6-5. Penalty.
- Sec. 6-6. Nuisances.
- Sec. 6-7. Vicious animals.
- Sec. 6-8. Guard dogs.
- Sec. 6-9. Inoculation, wearing of collar and tag.
- Sec. 6-10. Impoundment of animals.
- Sec. 6-11. Redemption of impounded animal.
- Sec. 6-12. Redemption fees.
- Sec. 6-13. Adoption procedure.
- Sec. 6-14. Disposal of unclaimed animals.
- Sec. 6-15. Disposal of animal does not relieve owner's liability.
- Sec. 6-16. Tethering and abuse.
- Sec. 6-17. Obstruction of officer.
- Secs. 6-18—6-37. Reserved.

Article II. Classified Dogs

- Sec. 6-38. Classification of vicious or dangerous dog.
- Sec. 6-39. Issuance of certificate.
- Sec. 6-40. Duties and prohibitions for owner of a classified dog.
- Sec. 6-41. Unlawful acts by owner of a dangerous or vicious dog; violations.
- Sec. 6-42. Impoundment; threat to public safety.
- Sec. 6-43. Confiscation of dangerous or vicious dog; noncompliance with article.
- Sec. 6-44. Euthanasia for causing serious injury on more than one occasion.

***State law references**—County's authority to exercise animal control, Ga. Const. art. IX, § II, ¶ III(a)(3); livestock running at large or straying, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to roam or run free, O.C.G.A. § 4-8-6; Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; control of rabies, O.C.G.A. § 31-19-1 et seq.; cruelty to animals, O.C.G.A. § 16-12-4; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-6.

ARTICLE I. IN GENERAL**Sec. 6-1. Title.**

This chapter shall be known as the animal control ordinance of the county.
(Code 1994, § 10-1; Ord. of 3-5-1991, § 1)

Sec. 6-2. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal means a domesticated animal which has been placed or found upon private or public property or roadways without the permission of the owner, tenant or custodian of the property thereof, and left unattended and uncared for upon such property. An animal shall also be considered abandoned if it is retained upon the property of the owner or custodian without food and water for a period exceeding 36 hours.

Animal control officer means any person designated by the board of commissioners to enforce the provisions of this chapter.

Animal control shelter means the facility designated by the board of commissioners for the detention or impoundment of animals.

Domesticated animal means an animal that is accustomed to living in and about households within the population, including, but not limited to, fowl, cats, dogs and household pets. There is excluded from this definition domesticated animals commonly raised or used for agricultural purposes including cows, horses, swine, sheep and goats.

Guard dog means a dog that has been trained to attack persons or other animals independently or upon command or any dog, while not so trained, which reasonably is expected to perform as a guardian of the property upon which he is located.

Humane manner means care of a domestic animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, or manner of restraint, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Mail means to send by certified mail or statutory overnight delivery to the recipient's last-known address.

Owner means any person who owns, keeps, harbors or acts as custodian of a domesticated animal for a period of 72 hours or more.

Vicious or diseased animals means any animal which constitutes a physical threat to human beings or other domesticated or wild animals by virtue of attacking or biting a person or other animal without provocation shall be deemed a vicious animal. The term "vicious" or "diseased animals" shall not be deemed to include any activity which is permitted under the game laws of the state.

(b) The definitions set forth in O.C.G.A. § 4-8-21 (Dangerous Dog Control—Definitions), shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in O.C.G.A. § 4-8-21, and shall have the same scope and effect that the same words, terms and phrases have where used in O.C.G.A. § 4-8-21.
(Code 1994, § 10-2; Ord. of 3-5-1991, § 3; Ord. of 4-7-1992, § 1)

Sec. 6-3. Animal control department.

The animal control department of the county is hereby created. The department shall be under the control of the board of commissioners and subject to the general oversight of the county administrator.
(Code 1994, § 10-3; Ord. of 3-5-1991, § 2)

Sec. 6-4. Contractual agreements with municipalities authorized; conditions.

The board of commissioners may enter into a contractual agreement with any municipality within the county to provide animal control services to such governmental unit. No such contract may be entered into until the municipality shall adopt and have in full force and effect an animal control ordinance that shall be similar to this chapter.
(Code 1994, § 10-4; Ord. of 3-5-1991, § 4)

Sec. 6-5. Penalty.

(a) Any person who violates the provisions of this chapter shall be issued a citation, that violation is to appear in the magistrate court of the county. Such a citation may be issued by an employee of the animal control department based upon his own personal knowledge or upon a sworn written statement of another person who witnessed the violation, in which case the witness shall be subpoenaed to testify for the county in the magistrate court.

(b) Any person convicted of a violation of this chapter shall be punished according to section 1-12. Applicable court costs shall be levied in addition to any punishment imposed.
(Code 1994, § 10-5; Ord. of 3-5-1991, § 17; Ord. of 4-6-1993, § 1; Ord. of 11-4-1997, § 1)

Sec. 6-6. Nuisances.

It shall be unlawful for any person to permit an animal under his ownership, possession, control or care to be a nuisance at any time in the unincorporated area of the county. An animal shall be deemed to be a nuisance for the following reasons:

- (1) Lack of proof of current rabies vaccination.
- (2) Biting of person or animal.
- (3) Presence on private or public property in such manner as to threaten injury or damage of persons or property, including, but not limited to, crops, vegetation, livestock or wildlife.
- (4) Roaming of streets or private property in groups of two or more.

- (5) Upon request by law enforcement agency or health department following investigation and determination that an animal is a nuisance or vicious.
(Code 1994, § 10-6; Ord. of 3-5-1991, § 5)

Sec. 6-7. Vicious animals.

It shall be unlawful for any person to possess or maintain in the unincorporated area of the county any animal that is vicious unless such animal is confined and secured upon the property of the owner or other person having custody of such animal in such a manner that would prohibit such animal from molesting, attacking or biting any person or other animal.
(Code 1994, § 10-7; Ord. of 3-5-1991, § 6)

Sec. 6-8. Guard dogs.

It shall be the duty of the owner, tenant or custodian of any residential property on which a guard dog or security dog is kept for security purposes to post a notice in a prominent and conspicuous location on such property. Such notice shall comprise the words "WARNING—GUARD DOG" and shall be in clearly distinguishable block letters upon a background of clearly contrasting color. Such letters shall not be less than one inch in width and not less than five inches in height. Further, the owner, tenant or custodian shall post the universal symbol for guard/dangerous dog in a prominent and conspicuous location on such property. If a guard dog is confined within a fenced area, such notice shall be conspicuously posted upon such fence at every entrance and exit of the fence.
(Code 1994, § 10-8; Ord. of 3-5-1991, § 7)

Sec. 6-9. Inoculation, wearing of collar and tag.

Every owner or custodian of a dog or cat that is four months of age or older within the unincorporated area of the county shall have his dog or cat vaccinated for rabies. It shall be unlawful for any person to own, possess or maintain any dog or cat that does not have a current rabies inoculation and any such dog or cat shall at all times wear a securely attached collar about its neck or harness that shall have attached thereto a current rabies tag.
(Code 1994, § 10-9; Ord. of 3-5-1991, § 8)

Sec. 6-10. Impoundment of animals.

Any animal that shall be a public nuisance as defined herein, is unattended or otherwise in violation of this chapter, whether or not the animal is on private or public property, shall be impounded by the animal control department in accordance with the rules and regulations adopted pursuant to this chapter.
(Code 1994, § 10-10; Ord. of 3-5-1991, § 9)

Sec. 6-11. Redemption of impounded animal.

It shall be the duty of the animal control department to notify the owner, if known or can be reasonably ascertained, of every animal impounded by telephone or by mail. If no owner can be ascertained, the animal will be held for three days before being destroyed unless other arrangements have

been made. Following notification, the animal will be held for three days. Thereafter, the animal may be destroyed or placed for adoption. Before release, the owner must provide proof of current rabies vaccination or pay for rabies vaccination before release. No animal will be released without proper rabies protection or necessary arrangements made for rabies inoculation.

(Code 1994, § 10-11; Ord. of 3-5-1991, § 10)

Sec. 6-12. Redemption fees.

The following fees shall be paid as stated in the county fee schedule in amounts to be determined by the board by resolution from time to time must be paid before a dog or cat is retrieved by owner:

- (1) Impoundment fee.
- (2) Boarding fee per day beginning upon entrance.
- (3) Rabies vaccination.

(Code 1994, § 10-12; Ord. of 3-5-1991, § 11)

Sec. 6-13. Adoption procedure.

(a) The animal control department is authorized to offer for adoption any animal that has been impounded and unclaimed by the owner or has been delivered to the department.

(b) Any animal that is eligible for adoption may be offered after three days from the date of impoundment if the owner is unknown or within three days of notice to the owner if the owner is known. The party desiring the animal shall pay the impoundment fee and one day's boarding fee as an adoption fee and the cost of rabies inoculation if the animal is not displaying a current rabies inoculation tag.

(Code 1994, § 10-13; Ord. of 3-5-1991, § 12)

Sec. 6-14. Disposal of unclaimed animals.

The animal control department shall be authorized to dispose of any animal in as humane and painless a manner as possible, or to donate any animal to a public or nonprofit institution or agency, if such animal has remained unclaimed within the prescribed period of time or has not been adopted within three days after impoundment or notice to the owner, or it has been injured and is suffering or in great pain and such animal does not display an identification tag or no determination of owner can be made from a reasonable investigation.

(Code 1994, § 10-14; Ord. of 3-5-1991, § 13)

Sec. 6-15. Disposal of animal does not relieve owner's liability.

The disposal of any animal as provided in this chapter does not relieve the owner of any liability for any violation of this chapter. If the owner of any animal is known or ascertainable but for any valid reason cannot be reached within the prescribed three-day period, the animal control department shall be authorized to hold the animal until such time as the owner can be reached.

(Code 1994, § 10-15; Ord. of 3-5-1991, § 14)

Sec. 6-16. Tethering and abuse.

(a) Dog tethering.

- (1) No person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a doghouse, tree, fence, or any other stationary object.
- (2) Notwithstanding subsection (a) of this section, a person may do any of the following:
 - a. Attach a dog to a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar and water and food are always accessible to the dog under these circumstances.
 - b. Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a period not to exceed one hour.
- (3) Business exemption. Any business specializing in K9 or dog training techniques will be exempt from this section provided:
 - a. The K9 or dog training business is legally licensed/permitted by an accredited training association and/or through a federal, state, county or municipality within the United States of America.
 - b. The dog is actively engaged in or part of a training exercise.
 - c. The trainer has established a controlled and safe environment for the training session.
 - d. Water and food are properly provided for the safe welfare of the K9.

(b) The animal control service shall be authorized to remove or cause to have removed to a safe location any animal that appears to be abused or suffering undue pain from abuse or neglect, as may be necessary to prevent further suffering. The owner or possessor of the animal shall be charged according to O.C.G.A. § 16-12-4.

(Code 1994, § 10-16; Ord. of 3-5-1991, § 15; Ord. of 5-7-2019)

Sec. 6-17. Obstruction of officer.

It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any officer of the animal control department in the official performance of the duties as provided in this chapter.

(Code 1994, § 10-17; Ord. of 3-5-1991, § 16)

Secs. 6-18—6-37. Reserved.**ARTICLE II. CLASSIFIED DOGS*****Sec. 6-38. Classification of vicious or dangerous dog.**

(a) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a dog control officer's jurisdiction, the dog control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.

*State law reference—Responsible Dog Ownership Law, O.C.G.A. § 4-8-20 et seq.

(b) When a dog control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the dog control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the dog control officer's determination and shall state that the owner has a right to request a hearing from the authority on the dog control officer's determination within 15 days after the date shown on the notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within the allotted time, the dog control officer's determination shall become effective for all purposes under this article.

(c) When a hearing is requested by a dog owner in accordance with subsection (b) of this section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the authority for good cause shown. At least ten days prior to the hearing, the authority conducting the hearing shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the authority conducting the hearing shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the dog control officer's determination.

(d) Within ten days after the hearing, the authority which conducted the hearing shall mail written notice to the dog owner of its determination on the matter. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to O.C.G.A. § 4-8-26, the notice shall specify the date by which the euthanasia shall occur.

(e) Judicial review of the authority's final decision may be had in accordance with O.C.G.A. § 50-13-19.

Sec. 6-39. Issuance of certificate.

(a) It shall be unlawful for an owner to have or possess within the state a classified dog without a certificate of registration issued in accordance with the provisions of this section. Certificates of registration shall be nontransferable and shall only be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.

(b) Unless otherwise specified by this section, a certificate of registration for a dangerous dog shall be issued if the dog control officer determines that the following requirements have been met:

- (1) The owner has maintained an enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and
- (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides.

(c) Except as provided in subsections (e) and (f) of this section, a certificate of registration for a vicious dog shall be issued if the dog control officer determines that the following requirements have been met:

- (1) The owner has maintained an enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property;

- (2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides;
 - (3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and
 - (4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least \$50,000.00 issued by an insurer authorized to transact business in the state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the dog.
- (d) No certificate of registration shall be issued to any person who has been convicted of two or more violations of this article.
- (e) No person shall be the owner of more than one vicious dog.
- (f) No certificate of registration for a vicious dog shall be issued to any person who has been convicted of:
- (1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1;
 - (2) The felony of dogfighting as provided for in O.C.G.A. § 16-12-37 or the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or
 - (3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. §§ 16-13-31 and 16-13-31.1 from the time of conviction until two years after completion of his sentence, nor to any person residing with such person.
- (g) Certificates of registration shall be renewed on an annual basis. At the time of renewal of a certificate of registration for a vicious dog, a dog control officer shall verify that the owner is continuing to comply with provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

Sec. 6-40. Duties and prohibitions for owner of a classified dog.

- (a) The owner of a classified dog shall notify the dog control officer within 24 hours if the dog is on the loose or has attacked a human and shall notify the dog control officer within 24 hours if the dog has died or has been euthanized.
- (b) A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.
- (c) The owner of a classified dog who moves from one jurisdiction to another within the state shall register the classified dog in the new jurisdiction within ten days of becoming a resident and notify the dog control officer of the jurisdiction from which he moved. The owner of a similarly classified dog who moves into the state shall register the dog as required in O.C.G.A. § 4-8-27, within 30 days of becoming a resident.

Sec. 6-41. Unlawful acts by owner of a dangerous or vicious dog; violations.

(a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:

- (1) The dog is restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary;
- (2) The dog is contained in a closed and locked cage or crate; or
- (3) The dog is working or training as a hunting dog, herding dog, or predator control dog.

(b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:

- (1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property unless:
 - a. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or
 - b. The dog is contained in a closed and locked cage or crate; or
- (2) Unattended with minors.

(c) A person who violates subsection (b) of this section shall be guilty of a misdemeanor of high and aggravated nature.

(d) An owner with a previous conviction for a violation of this article whose classified dog causes serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one nor more than ten years, a fine of not less than \$5,000.00 nor more than \$10,000.00, or both. In addition, the classified dog shall be euthanized at the cost of the owner.

(e) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity.

Sec. 6-42. Impoundment; threat to public safety.

A law enforcement officer or dog control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.

Sec. 6-43. Confiscation of dangerous or vicious dog; noncompliance with article.

(a) A dangerous or vicious dog shall be immediately confiscated by any dog control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.

(b) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of reasonable confiscation and housing costs and proof of compliance with the provisions of this article. All fines and all charges for services performed by a law enforcement or dog control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

(c) In the event the owner has not complied with the provisions of this article within 20 days of the date the dog was confiscated, such dog shall be destroyed in an expeditious and humane manner and the owner may be required to pay the costs of housing and euthanasia.

Sec. 6-44. Euthanasia for causing serious injury on more than one occasion.

A dog that is found, after notice and opportunity for hearing as provided by O.C.G.A. § 4-8-23, to have caused a serious injury to a human on more than one occasion shall be euthanized.

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

- Sec. 8-1. General.
- Sec. 8-2. Purpose.
- Sec. 8-3. Adoption of mandatory and elective codes.
- Sec. 8-4. Records.
- Sec. 8-5. Permit fees.
- Sec. 8-6. Interpretations.
- Secs. 8-7—8-30. Reserved.

Article II. Flow Rate Restrictions on Plumbing Fixtures

- Sec. 8-31. Definitions.
- Sec. 8-32. Applicability.
- Sec. 8-33. Enforcement; penalty.
- Sec. 8-34. Residential buildings.
- Sec. 8-35. Exemptions.
- Secs. 8-36—8-58. Reserved.

Article III. Designation of Road Names and Building Numbers

- Sec. 8-59. Road names.
- Sec. 8-60. Designation of road and/or street numbers.
- Sec. 8-61. Posting of designated road and/or street addresses.
- Sec. 8-62. Penalties.
- Sec. 8-63. Naming of building or public places after persons.

***State law references**—Authority of county to provide codes, including building, housing, plumbing and electrical codes, Ga. Const. art. IX, § II, ¶ III(12); adoption and continuation of state minimum standard codes, O.C.G.A. § 8-2-21; statewide application of minimum standard codes, codes requiring adoption by municipality or county, O.C.G.A. § 8-2-25; enforcement of codes, O.C.G.A. § 8-2-26; providing of fire escapes by building owners, O.C.G.A. § 8-2-50; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

ARTICLE I. IN GENERAL**Sec. 8-1. General.**

The provisions of this chapter shall apply to all building, construction, alterations, livability, sanitation, erection, maintenance, occupancy, repairs, moving, removal, demolition, and all equipment, materials and appliances used in connection with the same, within the unincorporated areas of the county, except as may be specifically exempted in this chapter.

(Ord. of 9-2-2014)

Sec. 8-2. Purpose.

The purpose of this chapter is to provide minimum requirements to safeguard life, health, and public welfare and protection of property as it relates to these safeguards by regulating and controlling the construction, alteration, repair, livability, sanitation, erection, equipment, occupancy, appliances, maintenance, removal and demolitions of all buildings or structures and appurtenances hereto.

(Ord. of 9-2-2014)

Sec. 8-3. Adoption of mandatory and elective codes.

The following technical building and construction codes are adopted by reference thereto as if the same were fully set out verbatim herein, including all administrative sections included therein, as they may be amended for later additions, as required by the Georgia Uniform Codes Act, O.C.G.A. § 8-2-25, as follows:

- (1) The International Building Code.
- (2) International Mechanical Code.
- (3) International Fuel Gas Code.
- (4) International Plumbing Code.
- (5) National Electrical Code.
- (6) International Fire Code.
- (7) International Residential Code for One- and Two-Family Dwellings.
- (8) International Energy Conservation Code.
- (9) International Swimming Pool and Spa Code.

(Ord. of 9-2-2014)

Sec. 8-4. Records.

The county building official, shall keep or cause to be kept a copy of all the referenced codes and ordinances in section 8-3 for inspection thereof in the county code enforcement office.

(Ord. of 9-2-2014)

Sec. 8-5. Permit fees.

On all buildings, structures or alterations requiring building permits, a permit fee shall be paid as required at the time of filing application in accordance with the county's schedule of fees and charges as adopted by the county board of commissioners.

(Ord. of 9-2-2014)

Sec. 8-6. Interpretations.

The building official is hereby authorized to render interpretations of this Code and the adopted state codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter. Such policies and procedures shall not have the force and effect of law and shall not have the effect of waiving requirements specifically provided for in this Code or in the adopted state codes.

Secs. 8-7—8-30. Reserved.**ARTICLE II. FLOW RATE RESTRICTIONS ON PLUMBING FIXTURES****Sec. 8-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and includes the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet or urinal in an existing building.

Lavatory faucet means a faucet that discharges into a lavatory basin in a domestic or commercial installation.

Plumbing fixture means a device that receives water, waste, or both and discharges the water, waste, or both into a drainage system. The term "plumbing fixture" includes a kitchen sink, utility sink, lavatory, bidet, bathtub, shower, urinal, toilet, water closet, or drinking water fountain.

Plumbing fixture fitting means a device that controls and directs the flow of water. The term "plumbing fixture fitting" includes a sink faucet, lavatory faucet, showerhead, or bath filler.

Pressurized flushing device means a device that contains a valve that:

- (1) Is attached to a pressurized water supply pipe that is of sufficient size to deliver water at the necessary rate of flow to ensure flushing when the valve is open; and
- (2) Opens on actuation to allow water to flow into the fixture at a rate and in a quantity necessary for the operation of the fixture and gradually closes to avoid water hammer.

Toilet means a water closet.

Water closet means a fixture with a water-containing receptor that receives liquid and solid body waste and on actuation conveys the waste through an exposed integral trap into a drainage system and which is also referred to as a toilet.

WaterSenseTM means a voluntary program of the United States Environmental Protection Agency designed to identify and promote water efficient products and practices.
(Code 1994, § 14-56; Ord. of 2-5-1991, § a)

Sec. 8-32. Applicability.

The requirements of section 8-34 shall apply to any residential construction, and to any commercial construction, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

(Code 1994, § 14-57; Ord. of 2-5-1991, § d)

Sec. 8-33. Enforcement; penalty.

(a) This article shall be enforced by the office of the building inspector of the county. Citations for violations may be issued by the chief building inspector of the county.

(b) Any person violating this article shall be tried before the probate court of the county. Upon conviction, a violation of this article may be punished as provided in section 1-12.

(Code 1994, § 14-58; Ord. of 2-5-1991, § f)

Sec. 8-34. Residential buildings.

The standards related to high efficiency plumbing fixtures shall include without limitation, the following:

- (1) A water closet or toilet that:
 - a. Is a dual flush water closet that meets the following standards:
 1. The average flush volume of two reduced flushes and one full flush may not exceed 1.28 gallons;
 2. The toilet meets the performance, testing, and labeling requirements prescribed by the following standards, as applicable:
 - (i) American Society of Mechanical Engineers Standard A112.19.2-2008; and
 - (ii) American Society of Mechanical Engineers Standard A112.19.14-2006, Six-Liter Water Closets Equipped with a Dual Flushing Device; and
 3. Is listed to the WaterSenseTM Tank-Type High Efficiency Toilet Specification; or
 - b. Is a single flush water closet, including gravity, pressure assisted, and electro-hydraulic tank types, that meets the following standards:
 1. The average flush volume may not exceed 1.28 gallons;

2. The toilet must meet the performance, testing, and labeling requirements prescribed by the American Society of Mechanical Engineers Standard A112.192/CSA B45.1 or A112.19.14; and
 3. The toilet must be listed to the WaterSense™ Tank-Type High Efficiency Toilet Specification;
- (2) A shower head that allows a flow of no more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
- (3) A urinal and associated flush valve that:
- a. Uses no more than 0.5 gallons of water per flush;
 - b. Meets the performance, testing, and labeling requirements prescribed by the American Society of Mechanical Engineers Standard A112.19.2/CSA B45.1;
 - c. For flushing urinals, meets all WaterSense™ specifications for flushing urinals; and
 - d. Where non-water urinals are employed, complies with American Society of Mechanical Engineers Standard A112.19.3/CSA B45.4 or American Society of Mechanical Engineers Standard A112.19.19/CSA B45.4. Non-water urinals shall be cleaned and maintained in accordance with the manufacturer's instructions after installation. Where non-water urinals are installed, they shall have a water distribution line roughed-in to the urinal location at a minimum height of 56 inches (1,422 mm) to allow for the installation of an approved backflow prevention device in the event of a retrofit. Such water distribution lines shall be installed with shut-off valves located as close as possible to the distributing main to prevent the creation of dead ends. Where non-water urinals are installed, a minimum of one water supplied fixture rated at a minimum of one water supply fixture unit shall be installed upstream on the same drain line to facilitate drain line flow and rinsing;
- (4) A lavatory faucet or lavatory replacement aerator that allows a flow of no more than 1.5 gallons of water per minute at a pressure of 60 pounds per square inch in accordance with American Society of Mechanical Engineers Standard A112.18/CSA B.125.1 and listed to the WaterSense™ High-Efficiency Lavatory Faucet Specification; and
- (5) A kitchen faucet or kitchen replacement aerator that allows a flow of no more than 2.0 gallons of water per minute.

(Code 1994, § 14-59; Ord. of 2-5-1991, § b)

Sec. 8-35. Exemptions.

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of sections 8-32 and 8-34 when:

- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or shower heads within such existing buildings.

- (2) When such plumbing or sewage system within such existing building, because of its capacity, design or installation would not function properly if the toilets, faucets or shower heads required by this article were installed.
- (3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence.
- (4) Units to be installed are:
 - a. Specifically designed for use by persons with disabilities;
 - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - c. Toilets for juveniles.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in this section shall obtain the exemption by applying at the office of the building inspector for the county. A fee as shown in appendix H of the plumbing code shall be charged for the inspection and issuance of such exemption.

(Code 1994, § 14-61; Ord. of 2-5-1991, § e)

Secs. 8-36—8-58. Reserved.

ARTICLE III. DESIGNATION OF ROAD NAMES AND BUILDING NUMBERS

Sec. 8-59. Road names.

(a) The county board of commissioners shall maintain an up-to-date listing of all county roads and streets.

(b) All requests for road and/or street names shall be submitted to the county board of commissioners and the name of a new road and/or street shall conform to the regulations of the county.

(Code 1994, § 14-71; Ord. of 8-17-1993, § 1)

Sec. 8-60. Designation of road and/or street numbers.

(a) Road and/or street numbers for each dwelling unit and place of business on all public and private streets and roads shall be assigned by the office of code enforcement of the county according to the uniform system in effect within the county.

(b) The office of code enforcement shall keep a record of all numbers assigned under this article.

(c) No building or structure for which a house number is required shall be occupied prior to the assignment of said number.

(d) No building or structure for which a house number is required shall obtain permanent utility connections prior to the assignment of such number.

(e) All persons requiring a house number assignment prior to occupancy or connection of permanent utilities must apply for such number at the office of county code enforcement at least three days in advance of occupancy.

(Code 1994, § 14-72; Ord. of 8-17-1993, § 2)

Sec. 8-61. Posting of designated road and/or street addresses.

(a) The owner or occupant or person in charge of any house or building to which a number has been assigned shall be notified by the office of county code enforcement.

(b) Within 30 days after the receipt of such notification, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the number in a conspicuous place as set forth herein.

(c) It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the office of county code enforcement.

(d) It shall be the duty of each owner or occupant or person in charge of every structure to which a number has been assigned to display such number and figures to comply with mandatory state building codes.

(e) Whenever the owner, agent or occupant of such dwelling or building shall neglect or refuse to affix or inscribe the proper numbers to the dwelling house or building, the office of code enforcement shall serve notice on the owner, agent or occupant at the address. That numbers shall be properly affixed to the property within ten days of the service of notice after being duly notified as herein provided, such owner, agent or occupant may be fined as set forth herein and the number ordered affixed or inscribed by an official of the county.

(Code 1994, § 14-73; Ord. of 8-17-1993, § 3; Ord. of 3-5-1996, § A)

Sec. 8-62. Penalties.

In the event that the owner or occupant or person in charge of any structure to which a number has been assigned refuses to comply with the terms of this article by failing to display the assigned number or if any person shall take down, alter, injure or deface any number affixed or inscribed, such person may be punished according to section 1-12.

(Code 1994, § 14-74; Ord. of 8-17-1993, § 4)

Sec. 8-63. Naming of building or public places after persons.

No building or public place owned by the county shall be named after or dedicated to a person, except that any property given or donated to the county may be named after its donor with the consent of the majority of the board. This section shall not prevent any buildings or places which were previously named or dedicated to a person prior to entry of this section to continue to be known as their current name but does restrict any further naming or dedication of any existing county buildings or buildings or grounds acquired or constructed by the county in the future.

(Ord. of 6-3-2003)

Chapter 9

RESERVED

Chapter 10

BUSINESSES*

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. Business License

- Sec. 10-19. Business license required; occupation tax required for business dealings in the county.
- Sec. 10-20. Construction of terms; definitions.
- Sec. 10-21. Occupation tax levied; restrictions.
- Sec. 10-22. Professionals as classified in O.C.G.A. § 48-13-9(c)(1) through (19).
- Sec. 10-23. Purpose and scope of tax.
- Sec. 10-24. When tax due and payable; effect of transacting business when tax delinquent; occupation tax transferable; refunds.
- Sec. 10-25. Exemption on grounds that business is operated for charitable purpose.
- Sec. 10-26. Liability of officers and agents; failure to file occupation tax return.
- Sec. 10-27. Businesses not covered by this article.
- Sec. 10-28. Applicability.
- Sec. 10-29. When occupation tax due and payable.
- Sec. 10-30. Delinquent penalty.
- Sec. 10-31. Penalty for failure to register.
- Sec. 10-32. Execution for delinquent occupation tax.
- Sec. 10-33. Amendment, repeal of provision.
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Article III. Contractors

- Sec. 10-57. Regulated.
- Sec. 10-58. State-licensed contractors.
- Sec. 10-59. Specialty contractors.
- Sec. 10-60. Proof of competency.
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- Sec. 10-87. Informational forms.
- Sec. 10-88. Records open to law enforcement and code enforcement inspection; retaining.
- Sec. 10-89. Invoices of new merchandise.
- Sec. 10-90. Holding period of articles pledged or purchased.

***State law references**—Power of taxation, Ga. Const. art. IX, § IV, ¶ I; county taxation, O.C.G.A. § 48-5-220 et seq.; taxation of businesses, professions and occupations in county, O.C.G.A. § 48-13-6.

GRADY COUNTY CODE

- Sec. 10-91. Surety bond.
- Sec. 10-92. Identification and age of pawnor or seller.
- Sec. 10-93. Gold and silver, etc., buyers; informational forms.
- Sec. 10-94. Records open to law enforcement and code enforcement inspection; retaining.
- Sec. 10-95. Invoices of new merchandise.
- Sec. 10-96. Holding period of articles.
- Sec. 10-97. Identification and age of seller.
- Sec. 10-98. Surety bond.
- Sec. 10-99. Exceptions.
- Sec. 10-100. Stolen articles; surrender of same.
- Sec. 10-101. Revocation of license for violations; penalty.
- Sec. 10-102. Enforcement of provisions.

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. BUSINESS LICENSE

Sec. 10-19. Business license required; occupation tax required for business dealings in the county.

Each person engaged in any business, trade, profession or occupation in the unincorporated areas of the county, whether with a location in the county or in the case of an out-of-state business without a location in the state exerting substantial efforts within the state pursuant to O.C.G.A. § 48-13-7, shall pay an occupation tax for such business, trade, profession or occupation; which tax and any applicable receipt shall be displayed in a conspicuous place in the place of business, if the taxpayer has permanent business location in the county. If the taxpayer has no permanent business location in the county, such business tax receipt shall be shown to the county code enforcement officer or his designee or to any county sheriff's office, upon request.

(Ord. of 6-2-2009, § 18-47(a))

Sec. 10-20. Construction of terms; definitions.

(a) The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

Person, wherever used in this article, includes sole proprietors, corporations, partnerships, nonprofit or any other form of business organization, but specifically excludes charitable nonprofit organizations which utilize 80 percent or more of their proceeds for charitable purposes.

Practitioner of profession or occupation means one who by state law requires state licensure regulating such profession or occupation but shall not include a practitioner who is an employee of a business if the business pays an occupation tax.

(b) All other definitions set out in O.C.G.A. § 48-13-5 are incorporated herein by reference thereto.
(Ord. of 6-2-2009, § 18-47(b))

Sec. 10-21. Occupation tax levied; restrictions.

An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices in the unincorporated areas of the county and upon the applicable out-of-state businesses with no location or office in the state pursuant to O.C.G.A. § 48-13-7, in the amount of \$30.00 per year.

(Ord. of 6-2-2009, § 18-47(c))

Sec. 10-22. Professionals as classified in O.C.G.A. § 48-13-9(c)(1) through (19).

(a) Each individual practitioner or each firm of more than one practitioner of law, medicine, osteopathy, chiropractic, podiatry, dentistry, optometry, psychology, veterinary medicine, landscape architecture, land surveying, physiotherapy, public accounting, embalming, funeral directing, civil, mechanical, hydraulic or electrical engineering, architecture, marriage and family therapy, social work or professional counseling, or dealers of motor vehicles who shall maintain the principal office in the county shall pay the sum of \$30.00 per year for each professional.

(b) Persons not engaged in private practice but working full-time for a single employer shall not be deemed to practice a profession, trade or calling within the meaning of this article.
(Ord. of 6-2-2009, § 18-47(d))

Sec. 10-23. Purpose and scope of tax.

The occupation tax levied herein 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 professions which are covered by the provisions of O.C.G.A. §§ 48-13-5 to 48-13-7. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general or local law and ordinance.
(Ord. of 6-2-2009, § 18-47(e))

Sec. 10-24. When tax due and payable; effect of transacting business when tax delinquent; occupation tax transferable; refunds.

(a) Each such occupation tax shall be for every unless otherwise specifically provided. Such occupation tax shall be payable on January 1 of each year and shall, if not paid by April 1 of each year, be subject to penalties for delinquency as prescribed in this article. On any new profession, trade or calling begun in the unincorporated areas of the county, the application and tax shall be delinquent if not filed immediately upon beginning business and a ten percent penalty imposed. The tax herein provided for shall be issued by the county administrator or his designee and if any person, firm or corporation whose duty it is to file the application and pay the occupation tax shall, after such occupation tax becomes delinquent, transact or offer to transact in the unincorporated areas of the county any of the kind of profession, trade or calling subject to this article without first having filed the application and paid such tax, such offender shall, upon conviction by the magistrate court judge, be punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed 30 days; provided, however, that the county administrator or his designee, when in his judgment, circumstances seem to warrant, may grant an extension of time, in no case exceeding 180 days, within which time to file application and pay the occupation tax. No penalty rate will be charged on any tax on which an extension of time has been granted.

(b) In addition to the above remedies, the county administrator or his designee may proceed to collect in the same manner as provided by law for tax executions.

(c) Occupation tax may be transferred to a new owner of an existing business if written notice is provided by the existing owner.
(Ord. of 6-2-2009, § 18-47(f))

Sec. 10-25. Exemption on grounds that business is operated for charitable purpose.

No business on which an occupation tax is levied by this article shall be exempt from such tax on the ground that such business is operated for a charitable purpose, unless 80 percent or more of the entire proceeds from such business are devoted to such purpose.

(Ord. of 6-2-2009, § 18-47(g))

Sec. 10-26. Liability of officers and agents; failure to file occupation tax return.

All persons subject to the occupation tax levy pursuant to this article shall be required to file the necessary occupation tax return and pay any applicable occupation tax for such business as described in this article, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to file such return and pay such tax. Every person commencing business in the unincorporated areas of the county after January 1 of each year shall likewise file the return and pay the tax herein provided for before commencing same; and any person transacting, or offering to transact in the kinds of business, trade, profession or occupation without first having filed such return and paid such tax, shall be subject to penalties provided thereof.

(Ord. of 6-2-2009, § 18-47(h))

Sec. 10-27. Businesses not covered by this article.

The following businesses are not covered by the provisions of this article but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the state or by local law:

- (1) Any farm operation for the production from or on the land of agricultural products, but not including agribusinesses.
- (2) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.
- (3) Any other business otherwise specifically exempted by state law.

(Ord. of 6-2-2009, § 18-47(i))

Sec. 10-28. Applicability.

Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.

(Ord. of 6-2-2009, § 18-47(j))

Sec. 10-29. When occupation tax due and payable.

The amount of occupation tax shall be payable at the office of the county administrator or his designee on January 1 each year and delinquent if not paid on or before April 1 each year.

(Ord. of 6-2-2009, § 18-47(k))

Sec. 10-30. Delinquent penalty.

Any person required by this article to pay an occupation tax to engage in any trade, business or profession within the unincorporated areas of the county who shall fail to make application therefor within the time limits prescribed or fail to pay the tax when due shall be subject to any required to pay a

penalty often percent of the tax due plus interest, from date of fi. fa. at a rate of 12 percent per annum, provided that, the county administrator or his designee, when in his judgment, circumstances seem to warrant may grant an extension of time, in no case exceeding 180 days, within which time to file application and pay the occupation tax. No penalty rate will be charged on any license on which an extension of time has been granted.

(Ord. of 6-2-2009, § 18-47(l))

Sec. 10-31. Penalty for failure to register.

Any person, for himself or as an officer of a firm or corporation, exercising or carrying on any trade, business or profession or operating any establishment for which an occupation tax is required by this article without first having registered as provided in this article shall be liable to a fine not exceeding \$1,000.00, or to imprisonment for not more than 30 days.

(Ord. of 6-2-2009, § 18-47(m))

Sec. 10-32. Execution for delinquent occupation tax.

In addition to other remedies herein provided for the collection of the occupation tax herein levied, upon any tax becoming delinquent and remaining unpaid, a ten percent penalty as provided by this article shall be levied and the county administrator or his designee, shall issue execution for the correct amount of such tax plus applicable penalties against the persons, partnership or corporation liable for such tax which such execution shall bear interest at the rate of 12 percent per annum from the date when such tax becomes delinquent, and the lien shall cover the property in the county of the person, partnership or corporation liable for such tax, all as provided by the ordinances and charter of such county and the laws of the state. The execution of such occupation tax may become filed on and date from the time when such tax becomes delinquent. The execution shall be levied by the county administrator or his designee upon the property of defendant located in such jurisdiction, and sufficient property shall be advertised and sold to pay the amount of such execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by ordinance and charter of such county and the laws of the state, and the defendant in such execution shall have 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 proper authority upon an execution issued by the county administrator or his designee 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 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, penalties and costs accrued on the tax, the person may collect any fees and charges due him or her as though he had never defaulted in the payment of the taxes.

(Ord. of 6-2-2009, § 18-47(n))

Sec. 10-33. Amendment, repeal of provision.

This article 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 county to assess and collect any of the taxes or other charges prescribed. Such amendment may increase or lower the amounts and tax rates of

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 collecting by the jurisdiction of additional occupation taxes upon the same person, property or business.

(Ord. of 6-2-2009, § 18-47(o))

Sec. 10-34. Enforcement of provisions.

It is hereby made the duty of the county administrator, code enforcement officer or his designee to see that the provisions of this article relating to occupation taxes are observed; and to summon all violators of the same to appear before the court. It is hereby made the further duty of the county administrator or his designee to inspect all tax certificates issued by the county, as often as in his judgment it may seem necessary to determine whether the certificate held is the proper one for the business sought to be transacted thereunder.

(Ord. of 6-2-2009, § 18-47(p))

Secs. 10-35—10-56. Reserved.

ARTICLE III. CONTRACTORS

Sec. 10-57. Regulated.

Any person desiring to engage in the business of building, gas, electrical, mechanical, plumbing, roofing, sign, or swimming pool contracting or manufactured or mobile home installation within the unincorporated portions of the county shall first make application for and obtain the proper permits from the county building official.

(Code 1994, § 18-36; Ord. of 1-22-1991, § 6.1; Ord. of 12-5-1994, § 6.1)

Sec. 10-58. State-licensed contractors.

Any contractor required to be licensed by the state construction industry licensing board need only to show proof of current licensing by said board, complete the prescribed application for registration in the county and pay the appropriate fee as prescribed registration in as stated in the county fee schedule in amounts to be determined by the board, by resolution, from time to time.

(Code 1994, § 18-37; Ord. of 1-22-1991, § 6.2; Ord. of 12-5-1994, § 6.2)

Sec. 10-59. Specialty contractors.

Any contractor not required to be licensed by the state construction industry licensing board shall be licensed by the county after completing the prescribed application, demonstrating proof of competency by one of the methods in section 10-60.

(Code 1994, § 18-38; Ord. of 1-22-1991, § 6.3; Ord. of 12-5-1994, § 6.3)

Sec. 10-60. Proof of competency.

(a) Anyone requesting licensing shall be required to pass the appropriate competency examination as prescribed by the county construction industry board of licensing, adjustments and appeals, in addition to two affidavits from persons whom they have done construction work within the past five years, of the type for which application is being made, that said work was done in a satisfactory manner.

(b) Anyone requesting licensing, who is licensed by any other governmental body wherein the standards for licensing contractors are comparable to the standards of the county shall only be required to file with the building official a certificate from the authorities of the governmental body wherein they are licensed, stating that they passed the required test and are licensed to engage in the type of work for which they are applying.

(Code 1994, § 18-39; Ord. of 1-22-1991, § 6.4; Ord. of 12-5-1994, § 6.4)

State law reference—Registration of nonresident contractors, O.C.G.A. § 48-13-31.

Sec. 10-61. Exemptions.

The provisions of the article requiring applicants for building permits to be properly licensed or registered by the county shall not apply to the following persons:

- (1) *Persons working on their own premises.* Any individual doing construction work on premises owned by himself shall be issued a permit by the county building official upon making affidavit that they are doing the work on premises owned by them and upon meeting the requirements of section 103.1.4 of the Standard Building Code, except this section does not apply to work being done to electrical, gas, mechanical, or plumbing except when the premises in question is one's own residence owned by him.
- (2) *Maintenance staff of a facility owned by the state or by a county or municipality or other political subdivision.* Maintenance staff of a facility owned by the state or by a county or municipality or other political subdivision installing, altering, or repairing plumbing, plumbing fixtures, air conditioning and heating fixtures, or electrical or low voltage wiring services when such work is an integral part of the maintenance requirements of the facility; provided however, that all such work must be done in conformity with all other provisions of this Code.

(Code 1994, § 18-40; Ord. of 1-22-1991, § 6.5; Ord. of 12-5-1994, § 6.5)

Sec. 10-62. Prerequisites to starting work.

(a) *Restrictions on contractor.* No building permit shall be issued, or work commenced, by any contractor unless such contractor is qualified under this article.

(b) *Signing of permits.* The individual who obtains the required license must sign each permit obtained from the building department for which his license is required, except that he may authorize by letter of authorization an agent to sign the permit. The letter shall list the name of the contractor, the contractor's license number, the name of the person who is authorized to sign the permit and how long the authorization is valid.

(Code 1994, § 18-42; Ord. of 1-22-1991, § 6.7; Ord. of 12-5-1994, § 6.7)

Sec. 10-63. Renewal.

Each license or registration required by this article shall expire on January 30, of each year and can be renewed at any time after January 1 of each year prior to receiving any permits.

(Code 1994, § 18-44; Ord. of 1-22-1991, § 6.9; Ord. of 12-5-1994, § 6.9)

Sec. 10-64. Discipline.

The board shall promulgate rules concerning discipline of contractors licensed under this article.

(Code 1994, § 18-46; Ord. of 1-22-1991, § 6.11; Ord. of 12-5-1994, § 6.10)

Secs. 10-65—10-86. Reserved.**ARTICLE IV. PAWNBROKERS AND SECONDARY METALS DEALERS****Sec. 10-87. Informational forms.**

Every person engaged in the business within the unincorporated areas of the county, of being a pawnbroker, or engaged in the business of lending money on articles kept by the lender until repayment, and who also purchases such articles as guns, pistols, knives, musical instruments, apparel, jewelry, household articles, appliances and the like, are hereby required to obtain and keep the following information:

- (1) Name and address of pawnbroker engaged in the transaction.
- (2) Date and time of transaction.
- (3) Name, address, distinctive number from the driver's license or other similar identification card and Social Security number of the customer pledging or selling.
- (4) A description of the general appearance of the customer, together with anyone who is accompanying the customer.
- (5) Customer's age, to be verified by driver's license or other similar identification card.
- (6) Details of transaction: was it a loan or pledged article, or an outright purchase, together with the amount loaned or paid for such article.
- (7) Copy of the receipt or pawn ticket and number of same.
- (8) A complete description of the article, including any brand name, serial number, model number, color, condition and any other identifying feature.
- (9) Date and time and the same information required above in event of a redemption or repurchase of the pledged or purchased article.

(Ord. of 1-7-2014, § 18-48(a))

Sec. 10-88. Records open to law enforcement and code enforcement inspection; retaining.

(a) Records containing the information required by section 10-87 shall be kept at the place of business of such pawnbroker or other person as defined in section 10-87 and such records shall be open to visitation and inspection by any duly authorized law enforcement or code enforcement officer upon request, who shall be allowed sufficient time to copy same.

(b) The records shall be kept for a period of four years.
(Ord. of 1-7-2014, § 18-48(b))

Sec. 10-89. Invoices of new merchandise.

All invoices of new merchandise shall be kept the same as the information required by section 10-87 and subject to inspection by any duly authorized law enforcement or code enforcement officer as provided in section 10-88.

(Ord. of 1-7-2014, § 18-48(c))

Sec. 10-90. Holding period of articles pledged or purchased.

Any article pawned, pledged, given as security or purchased shall be kept in the establishment for at least a period of ten business days and shall be subject to inspection by any duly authorized law enforcement or code enforcement officer as provided for in section 10-88 and shall be pointed out to any duly authorized law enforcement or code enforcement officer upon request.

(Ord. of 1-7-2014, § 18-48(d))

Sec. 10-91. Surety bond.

All pawnbrokers, or persons identified and doing business as defined in section 10-87 are hereby required to file with the county code enforcement office a bond binding the person to the county in the amount of \$5,000.00, executed by the person as principal, and by a surety approved by the county manager, conditioned as follows: that such person will comply fully with the ordinances of the county and the statutes of the state governing the conduct of such business and conditioned upon compliance with the provisions of this article, and upon the prompt report of all suspicious persons dealing with the obligor, and of stolen property, or property suspected of being stolen, and for the returning to law enforcement, or to the true and lawful owner of any such property, or making payment therefor. The bond shall be taken in the name of the licensee, and the county and any person injured by the breach of said bond may bring an action on said bond in such person's own name to recover damages therefor.

(Ord. of 1-7-2014, § 18-48(e))

Sec. 10-92. Identification and age of pawnor or seller.

No article may be taken in pledge or purchased from a customer who does not furnish the information required by section 10-87; nor may any transaction be made with any person under 18 years of age, unless accompanied by a parent or legal guardian, and such parent or legal guardian shall furnish bona fide identification of such fact.

(Ord. of 1-7-2014, § 18-48(f))

Sec. 10-93. Gold and silver, etc., buyers; informational forms.

Every person in the business of buying gold and silver articles, precious gems, jewelry, or coins, or who buys such articles is hereby required to obtain and keep the following information:

- (1) Name and address of person engaged in the transaction.
- (2) Date and time of transaction.
- (3) Name, address, distinctive number from the driver's license or other similar identification card and Social Security number of the person selling such gold, silver, precious gems, jewelry, coins or other such article.
- (4) A description of the general appearance of the customer, together with anyone who is accompanying the customer.
- (5) Customer's age to be verified by driver's license or other similar identification card.
- (6) Details of transaction: was it a purchase, together with the amount paid for each article or item and a copy of and the number of the sales slip, purchase slip or invoice and the receipt of same.
- (7) A complete description of the articles purchased, including any brand name, serial number, model number, color, condition and any other identifying feature.

(Ord. of 1-7-2014, § 18-48(g))

Sec. 10-94. Records open to law enforcement and code enforcement inspection; retaining.

(a) The records required by section 10-93 shall be kept at the place of business of the person buying gold, silver, etc., as defined in section 10-93 and such records shall be open to visitation and inspection by any duly authorized law enforcement or code enforcement officer upon request, who shall be allowed sufficient time to copy same.

(b) The records shall be kept for a period of four years.

(Ord. of 1-7-2014, § 18-48(h))

Sec. 10-95. Invoices of new merchandise.

All invoices of any new merchandise alleged to have been purchased shall be kept the same as the information required by section 10-93 and subject to inspection by any duly authorized law enforcement or code enforcement officer as provided in section 10-94.

(Ord. of 1-7-2014, § 18-48(i))

Sec. 10-96. Holding period of articles.

Any articles, precious gems, or jewelry purchased shall be kept in the establishment and within the county for at least a period of ten business days and shall be subject to inspection by any duly authorized law enforcement or code enforcement officer as provided in section 10-94 and shall be pointed out to any duly authorized law enforcement or code enforcement officer upon request.

(Ord. of 1-7-2014, § 18-48(j))

Sec. 10-97. Identification and age of seller.

No article may be purchased from anyone who does not furnish the information required by section 10-93, nor may any transaction be made with any person under 18 years of age, unless accompanied by a parent or legal guardian, and such parent or legal guardian shall furnish bona fide identification of such fact.

(Ord. of 1-7-2014, § 18-48(k))

Sec. 10-98. Surety bond.

All gold and silver buyers and persons in the business of buying gold and silver articles, precious gems, jewelry, or coins, including department stores that have jewelry counters and are in the business of purchasing or selling gold and silver articles, precious gems, jewelry, and coins (exclusive of the purchase or sale of gold and silver articles, precious gems, jewelry, and coins to or from their manufacturers or their manufacturers' representatives), are hereby required to file with the county code enforcement office, before transacting any such business, a bond binding the person to the county in the amount of \$25,000.00, executed by the person as principal and by a surety approved by the county's code enforcement officer, conditioned, as follows: that such person will comply fully with the ordinances of the county, and specifically the terms of this article, and the statutes of the state governing the conduct of such business; that such person will pay all fines and judgments rendered against the business owner for any violation of such ordinances or statutes and all judgments that may be recovered against such person by any person for damages growing out of any misrepresentation, deception, or breach of warranty in the conduct of such business; that action on the bond may be brought in the name of the county for the benefit and use of any aggrieved person.

(Ord. of 1-7-2014, § 18-48(l))

Sec. 10-99. Exceptions.

The provisions of section 10-93 et seq., regulating captioned gold and silver buyers, or persons in the business of buying gold and silver articles, precious gems, jewelry, or coins, shall not apply to bulk sales made by one business to another in the process of a complete transfer or change of business identity or a closeout sale of an existing business, nor shall the provisions of said sections apply to sales made by an executor or administrator done under and in compliance with a proper order of a court of record or under the power of sale contained in a last will and testament.

(Ord. of 1-7-2014, § 18-48(m))

Sec. 10-100. Stolen articles; surrender of same.

Any article found by any duly authorized law enforcement or code enforcement officer to be stolen property shall be surrendered to the law enforcement or code enforcement officer and no payment for same shall be made by the county.

(Ord. of 1-7-2014, § 18-48(n))

Sec. 10-101. Revocation of license for violations; penalty.

(a) All licenses issued to pawnbrokers and gold and silver buyers shall be issued subject to the provisions of this article.

(b) Any violation thereof shall be punished by revocation of such license and further punished as provided in section 1-12, or as an alternative such offender will be prosecuted for the violation of the criminal laws of the state.

(Ord. of 1-7-2014, § 18-48(o))

Sec. 10-102. Enforcement of provisions.

It is hereby made the duty of the county administrator, code enforcement officer or his designee, or any law enforcement officer with the authority to enforce county ordinances to see that the provisions of this article relating to pawnbrokers are observed; and to summon all violators of the same to appear before the court.

(Ord. of 1-7-2014, § 18-48(p))

Chapter 11

RESERVED

Chapter 12

CIVIL EMERGENCIES*

Article I. In General

Secs. 12-1—12-18. Reserved.

Article II. Emergency Management

Sec. 12-19. Definitions.
Sec. 12-20. Emergency management director.
Sec. 12-21. Assignment of emergency functions.
Sec. 12-22. Powers during an emergency or disaster.
Sec. 12-23. Volunteers.
Sec. 12-24. Penalty.
Secs. 12-25—12-51. Reserved.

Article III. Emergency Telephone Number "911" System

Sec. 12-52. Service charge imposed.

***State law references**—Georgia Mutual Aid Act, O.C.G.A. § 36-69-1 et seq.; Georgia Emergency Management Act of 1981, O.C.G.A. § 38-3-1 et seq.; Emergency Management Assistance Compact, O.C.G.A. § 38-3-80 et seq.

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT**Sec. 12-19. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency management means the preparation for and the carrying out of all emergency and disaster functions other than those functions for which military forces or state and federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from emergencies or disasters, or the imminent threat thereof, of manmade or natural origin. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, protection against the effects of radiological, chemical and other special weapons, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plant protection, shelter, temporary restoration of public utility services, and other functions related to civilian population, together with all other activities necessary or incidental to total emergency and disaster preparedness for carrying out the foregoing functions.

(b) The definitions set forth in O.C.G.A. § 38-3-3 (Emergency Management—Definitions), shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those specifically defined elsewhere in this article, shall have the respective meanings ascribed to them in O.C.G.A. § 38-3-3, and shall have the same scope and effect that the same words, terms and phrases have where used in O.C.G.A. § 38-3-3.

(Code 1994, § 20-31; Res. of 8-18-1992, § I)

Sec. 12-20. Emergency management director.

In agreement with the governing officials of the cities within the county, there is hereby established the county emergency management agency. The chairperson, county commissioners, with concurrence of the mayors of cities within the county, shall nominate for appointment by the governor, a director of emergency management for the entire county. When appointed, the emergency management director is charged with the following duties:

- (1) Represent the governing officials of the county and cities therein on matters pertaining to emergency management.
- (2) Assist county and city officials in organizing county and city departments for emergency operations.
- (3) Develop, in conjunction with county and city departments, the county plan for emergency functions set forth in section 12-19. Such plan will be in consonance with the natural disaster

operations plan and nuclear emergency operations plan and shall be submitted to the governing officials of the county and the cities therein for approval, and thence to the state emergency management agency for approval.

- (4) Maintain the emergency management agency and carry out the day-to-day administration of the county emergency management program, including the submission of required reports to the state emergency management agency.
 - (5) Submit reports as required by governing officials in keeping with good management practices, e.g., financial, daily activity, etc.
 - (6) Obtain, with the authority of governing officials, a facility to be used as the county emergency operating center.
 - (7) Coordinate the activities of the county emergency operating center staff during periods of an emergency, and under the supervision of county governing officials.
- (Code 1994, § 20-32; Res. of 8-18-1992, § II)

Sec. 12-21. Assignment of emergency functions.

(a) The county emergency management agency shall be established around existing county and city departments and the emergency functions listed in section 12-19 are assigned as follows:

<i>Department/Agency</i>	<i>Functions</i>
Chairperson, county commissioners Mayors of cities	Direction and control
Sheriff's office Police department	Communications and warning Police services Evacuation
Emergency management agency	Public information State military support Training Preliminary damage assessment and reporting Public property assistance Attack preparedness Specific hazards
Fire department	Search, rescue and recovery Fire services Hazardous materials Radiological protection
Public works	Engineering Petroleum and solid fuel services Utilities
School superintendent	Transportation services Food services
Health department	Health and medical services

<i>Department/Agency</i>	<i>Functions</i>
Clerk's office	Administrative services Resources management
Department of family and children services	Social services Shelter and temporary housing

(b) Heads of departments listed above are responsible for developing appropriate annexes to the local emergency operations plan (EOP) for their assigned emergency functions. Such annexes will be submitted to the emergency management director for inclusion in the local EOP for submission to appropriate local officials for approval.

(Code 1994, § 20-33; Res. of 8-18-1992, § III)

Sec. 12-22. Powers during an emergency or disaster.

In the event of manmade or natural disaster, actual enemy attack upon the United States, or any other emergency which may affect the lives and property of the citizens of the county, the chairperson, county commissioners, jointly with the mayors of the affected cities, or in their absences their legally appointed successors, may determine that an emergency or disaster exists and thereafter shall have and may exercise for such period as such emergency or disaster exists or continues, the powers to:

- (1) Enforce all rules, laws and regulations relating to emergency management, and to assume direct operational control over all emergency management resources.
- (2) Seize or take for temporary use, any private property for the protection of the public.
- (3) Sell, lend, give, or distribute all or any such property or supplies among the inhabitants of the county and to maintain a strict accounting of property or supplies distributed and for funds received for such property or supplies.
- (4) Perform and exercise such other functions and duties and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the county.

(Code 1994, § 20-34; Res. of 8-18-1992, § IV)

Sec. 12-23. Volunteers.

All persons, other than officers and employees of the county and cities therein, performing emergency functions pursuant to this article, shall serve with or without compensation. While engaged in such emergency functions, duly assigned volunteers shall have the same immunities as county and city officers and employees.

(Code 1994, § 20-35; Res. of 8-18-1992, § V)

Sec. 12-24. Penalty.

Any person violating any provision of this article, or any rule, order, or regulation made pursuant to this article, shall, upon conviction thereof, be punished as provided in section 1-12.

(Code 1994, § 20-36; Res. of 8-18-1992, § VI)

Secs. 12-25—12-51. Reserved.

ARTICLE III. EMERGENCY TELEPHONE NUMBER "911" SYSTEM

Sec. 12-52. Service charge imposed.

The imposition of the monthly service charge for the county's emergency telephone number 911 system is in the sum of \$1.50 per exchange access facility provided to each telephone subscriber within the county.

(Code 1994, § 20-51; Res. of 9-15-1992; Res. of 2-2-1993)

Chapter 13

RESERVED

Chapter 14

COMMUNITY DEVELOPMENT

Article I. In General

Secs. 14-1—14-18. Reserved.

Article II. Development Authority

Sec. 14-19. Established.
Sec. 14-20. Membership.
Sec. 14-21. Powers.

ARTICLE I. IN GENERAL

Secs. 14-1—14-18. Reserved.

ARTICLE II. DEVELOPMENT AUTHORITY

Sec. 14-19. Established.

The board of commissioners does establish the county development authority pursuant to O.C.G.A. § 36-62-1 et seq.
(Code 1994, § 21-26; Res. of 7-9-1996)

Sec. 14-20. Membership.

The county development authority consists of seven members to be hereinafter designated by the board of commissioners.
(Code 1994, § 21-27; Res. of 7-9-1996)

Sec. 14-21. Powers.

The county development authority has those powers and authorities conferred upon such authorities as set forth in O.C.G.A. § 36-62-1 et seq.
(Code 1994, § 21-28; Res. of 7-9-1996)

Chapter 15

RESERVED

Chapter 16

ENVIRONMENT

Article I. In General

- Sec. 16-1. Restriction on outdoor water of landscape.
- Sec. 16-2. Enforcement.
- Secs. 16-3—16-22. Reserved.

Article II. Soil Erosion Sedimentation and Pollution Control

- Sec. 16-23. Title.
- Sec. 16-24. Definitions.
- Sec. 16-25. Exemptions.
- Sec. 16-26. Minimum requirements for erosion, sedimentation pollution control using best management practices (BMPs).
- Sec. 16-27. Application/permit process.
- Sec. 16-28. Inspection and enforcement.
- Sec. 16-29. Penalties and incentives.
- Sec. 16-30. Education and certification.
- Sec. 16-31. Administrative appeal judicial review.
- Sec. 16-32. Effectivity, validity and liability.

ARTICLE I. IN GENERAL**Sec. 16-1. Restriction on outdoor water of landscape.**

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the unincorporated area may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (1) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;
 - (2) Capture and reuse of cooling system condensate or stormwater in compliance with applicable county ordinances and state guidelines;
 - (3) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
 - (4) Use of reclaimed wastewater by a designated user from a system permitted by the environmental protection division of the state department of natural resources to provide reclaimed wastewater;
 - (5) Watering personal food gardens;
 - (6) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
 - (7) Drip irrigation or irrigation using soaker hoses;
 - (8) Hand watering with a hose with automatic cutoff or handheld container;
 - (9) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
 - (10) Watering horticultural crops held for sale, resale, or installation;
 - (11) Watering athletic fields, golf courses, or public turf grass recreational areas;
 - (12) Installation, maintenance, or calibration of irrigation systems; or
 - (13) Hydroseeding.
- (Ord. of 10-19-2011)

Sec. 16-2. Enforcement.

(a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in this chapter.

(b) The county code enforcement department shall be the enforcement authority for this chapter. The county manager may also authorize other departments as may be deemed necessary to support enforcement.

(c) Criminal and alternative penalties. Any violation of this section shall be punished according to section 1-12.

(Ord. of 10-19-2011)

Secs. 16-3—16-22. Reserved.

ARTICLE II. SOIL EROSION SEDIMENTATION AND POLLUTION CONTROL

Sec. 16-23. Title.

This article will be known as the county soil erosion, sedimentation and pollution control ordinance.
(Ord. of 12-7-2010, § 2(26-31))

Sec. 16-24. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best management practices (BMPs) includes sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia, published by the commission as of January 1 of the year in which the land disturbing activity was permitted.

Board means the Board of Natural Resources.

Buffer means the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel means a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Commission means the Georgia Soil and Water Conservation Commission (GSWCC).

CPESC means the Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. The term "cut" is also known as excavation.

Department means the Georgia Department of Natural Resources (DNR).

Design professional means a professional licensed by the state in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.

Director means the director of the Environmental Protection Division or an authorized representative.

District means the Flint River Soil and Water Conservation District.

Division means the Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage structure means a device composed of a virtually nonerodable material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sedimentation Control Plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. ch. 12-7, that includes, as a minimum protection at least as stringent as the state general permit, best management practices, and requirements in section 16-26.

Fill means a portion of land surface to which soil or other solid material has been added; to the depth above the original ground surface or an excavation.

Final stabilization means all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading altering means the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Land disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in section 16-25(5).

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local issuing authority means the governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

Metropolitan River Protection Act (MRPA) means a state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface means the ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

NOI means a notice of intent form provided by EPD for coverage under the state general permit.

NOT means a notice of termination form provided by EPD to terminate coverage under the state general permit.

Operator means the party that has:

- (1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
- (2) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or comply with other permit conditions.

Outfall means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit means the authorization necessary to conduct a land disturbing activity under the provisions of this article.

Person means the any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the state, any interstate body or any other legal entity.

Phase or *phased sub-parts* or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Properly designed means designed in accordance with the design requirements and specifications contained in the Manual for Erosion and Sediment Control in Georgia (manual), published by the state soil and water conservation commission as of January 1 of the year in which the land disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodable material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment solid means material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and water conservation district approved plan means an erosion, sedimentation and pollution control plan approved in writing by the Flint River Soil and Water Conservation District.

Stabilization means the process of establishing and enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing and minimizing the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit means the National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and O.C.G.A. § 12-5-30(f).

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property or a single individual, partnership, or corporation.

Structural erosion, sedimentation and pollution control practices mean practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive

sediment loss. Examples of structural erosion and sediment control practices are rip rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, etc. Such practices can be found in the publication the Manual for Erosion and Sediment Control in Georgia.

Trout streams mean all streams or portions of streams within the watershed as designated by the wildlife resources division of the state department of natural resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for the Water Quality Control Act, EPA Rule 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout water are those in which there is no evidence of natural trout reproduction but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative erosion and sedimentation control measures mean measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, springing or planting, producing long-term vegetative cover;
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf or perennial sod-forming grass.

Such measures can be found in the publication the Manual for Erosion and Sediment Control in Georgia.

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. of 12-7-2010, § 2(26-32))

Sec. 16-25. Exemptions.

This section shall apply to any land disturbing activity undertaken by any person on any land except for the following:

- (1) Surface mining, as the same is defined in O.C.G.A. § 12-4-72(15), the Georgia Surface Mining Act of 1968.
- (2) Granite quarrying and land clearing for such quarrying.
- (3) Such minor land disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion.
- (4) The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of

equal to or greater than one acre and not otherwise exempted under this subsection; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this subsection. For single-family residence construction covered by the provisions of this subsection, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to article 2 of chapter 5 of the Georgia Waste Quality Control Act. In any such buffer zone, no land disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this subsection shall be enforced by the local issuing authority.

- (5) Agricultural operations as defined in O.C.G.A. § 1-3-3, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits for use in the production of poultry, including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds.
- (6) Forestry land management practices, including harvesting, provided, however, that when such exempt forestry practices cause or result in land disturbing or other activities otherwise prohibited in a buffer, as established in section 16-26(15), no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture.
- (8) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and, for purposes of this subsection, the term "state waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them yearround; provided, however, that any person responsible for a project which involves less than one acre, which involves land disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and, provided further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by subsections (1)—(7), (9) or (10) of this section.

- (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the state highway authority, or the state road tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the department of transportation or the state road tollway authority which disturb one or more contiguous acres of land shall be subject to the provisions of O.C.G.A. § 12-7-7.1; except where the department of transportation, the state highway authority, or the state road and the tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6, as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.
- (10) Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power as a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.
- (11) Any public water system reservoir.
(Ord. of 12-7-2010, § 2(26-33))

Sec. 16-26. Minimum requirements for erosion, sedimentation pollution control using best management practices (BMPs).

(a) General provisions. Excessive soil erosion and resulting sedimentation can take place during land disturbing activities if requirements of the section and the NPDES general permit are not met. Therefore, plans for those land disturbing activities which are not exempted by this section shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land disturbing activity in accordance with requirements of this section and the NPDES general permit.

(b) Minimum requirements/BMPs.

- (1) Best management practices as set forth in subsections (b) and (c) of this section shall be required for all land disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with subsection (b)(2) of this section or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the Georgia Water Quality Control Act. As used in this subsection, the terms "proper design" and "properly designed" means designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia, as specified in O.C.G.A. § 12-7-6(b).
- (2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the director. This subsection shall not apply to any land disturbance associated with the construction of single-family homes which are not part of larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
- (3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such failure occurs.
- (4) The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
- (5) The LIA may set more stringent buffer requirements than stated in subsection (c)(15) of this section in light of O.C.G.A. § 12-7-6(c).

(c) The rules and regulations, ordinances, or resolution adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the state soil and water conservation commission as of January 1 of the year in which the land disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;
- (2) Cut-fill operations must be kept to a minimum;

- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (6) Disturbed soil shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this subsection, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (11) Cuts and fill may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts, except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Land disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b) of this section;
- (15) There is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrestled by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream that, under normal circumstances, has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table yearround; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of article

5, chapter 5 of title 12, the Georgia Water Quality Control Act, shall remain in force unless a variance is granted by the director as provided in this subsection. The following requirements shall apply to any such buffer:

- a. No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the streambed.
- b. The buffer shall not apply to the following land disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 1. Stream crossings for water lines; or
 2. Stream crossings for sewer lines.
- c. Nothing contained in O.C.G.A. § 12-7-1 et seq., shall prevent any local issuing authority from adopting rules and subsections (b) and (c) of this section.
- d. The fact that land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this section or the terms of the permit.

(Ord. of 12-7-2010, § 2(26-34))

Sec. 16-27. Application/permit process.

(a) *General.* The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the local issuing authority that effect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this chapter, and other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

(b) *Application requirements.*

- (1) No person shall conduct any land disturbing activity within the jurisdictional boundaries of the county without first obtaining a permit from the county code enforcement office to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.

- (2) The application for a permit shall be submitted to the county and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions section 16-26(b) and (c) will be met. Applications for a permit will not be accepted unless accompanied by copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7.10.
- (3) In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant O.C.G.A. § 12-7-17(9) or (10), shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
- (4) Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by section 16-26(c)(15) has been obtained, all fees have been paid, and bonding if required as per subsection (b)(6) of this section, have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.
- (5) If a permit applicant has had two or more violation of previous permits, this section, or the Erosion and Sedimentation Act (O.C.G.A. § 12-7-1), as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.
- (6) The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding \$3,000.00 per acre or fraction thereof of the proposed land disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to

be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance. These provisions shall not apply unless there is, in effect, an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

(c) *Plan requirements.*

- (1) Plans must be prepared to meet the minimum requirements as contained in section 16-26(b) and (c), or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this section. The plan for the land disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- (2) Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land disturbing activity was permitted.

(d) *Permits.*

- (1) Permits shall be issued or denied as soon as practicable but, in any event, not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include condition under which the activity may be undertaken.
- (2) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this section, any variances required by section 16-26(15) are obtained, bonding requirements, if necessary, as per subsection (b)(6) of this section are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) Any land disturbing activities by a local issuing authority shall be subject to the same requirements of this section, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
- (4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (5) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the

title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this section. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

- (6) The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).
(Ord. of 12-7-2010, § 2(26-35))

Sec. 16-28. Inspection and enforcement.

(a) The county, through its code enforcement officer, will periodically inspect the sites of land disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate both primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land disturbing activities. If, through inspection, it is deemed that a person engaged in land disturbing activities, as defined herein, has failed to comply with the approved plan, with permit conditions, or with the provision of this section, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this section.

(b) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

(c) The county, through its code enforcement officer, shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this section, and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land disturbing activities.

(d) No person shall refuse entry or access to any authorized representative or agent of the issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(e) The district or the commission, or both, shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission, or both, may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

(f) The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited, to review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority or any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.
(Ord. of 12-7-2010, § 2(26-36))

Sec. 16-29. Penalties and incentives.

(a) *Failure to obtain a permit for land disturbing activity.* If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this section without first obtaining said permit, the person shall be subject to revocation of his business license, work permit, or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

(b) *Stop work orders.*

- (1) For the first and second violations of the provisions of this section, the director or the local issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the local issuing authority shall issue a stop work order requiring that land disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop work order in lieu of a warning.
- (2) For a third, and each subsequent violation, the director or the local issuing authority shall issue an immediate stop work order.
- (3) All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
- (4) When a violation occurs in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment as determined by the local issuing authority or by the director or his designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the

necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(c) *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this section and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 16-27(b)(6). The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

(d) *Monetary penalties.* Any person who violates any provisions of this section, or any permit condition or limitation established pursuant to this section, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued, as provided in this section, shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this section, notwithstanding any provision in any city charter to the contrary, municipal court shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violation of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violation of this section under county ordinances approved under this section shall be authorized to impose penalties for such violation not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(Ord. of 12-7-2010, § 2(26-37))

Sec. 16-30. Education and certification.

(a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(b) For each site on which land disturbing activity occurs, each entity or person acting as either a primary, secondary or tertiary permittee, as defined in the state general permit, shall have, as a minimum, one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on-site whenever land disturbing activities are conducted on that site. The term "project site" means any land disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

(c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this section.

(d) If a state general permittee who has operational control of land disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any education requirements that exceed those specified in said section.
(Ord. of 12-7-2010, § 2(26-38))

Sec. 16-31. Administrative appeal judicial review.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the county board of commissioners within 30 days after receipt by the local issuing authority of written notice of appeal.

(b) *Judicial review.* Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the county superior court.
(Ord. of 12-7-2010, § 2(26-39))

Sec. 16-32. Effectivity, validity and liability.

(a) *Validity.* If any section, paragraph, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this chapter.

(b) *Liability.*

- (1) Neither the approval of a plan under the provision of this chapter, nor the compliance with provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.
- (2) The fact that a land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this chapter or the terms of the permit.
- (3) No provision of this chapter shall permit any person to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

(Ord. of 12-7-2010, § 2(26-40))

Chapter 17

RESERVED

Chapter 18

FLOODS

Article I. In General

Secs. 18-1—18-18. Reserved.

Article II. Flood Damage Prevention Ordinance

Division 1. Generally

Secs. 18-19—18-39. Reserved.

Division 2. Statutory Authorization, Findings of Fact, Purpose and Objectives

Sec. 18-40. Authorization.
Sec. 18-41. Findings of fact.
Sec. 18-42. Statement of purpose.
Sec. 18-43. Objectives.
Secs. 18-44—18-74. Reserved.

Division 3. General Provisions

Sec. 18-75. Lands to which this article applies.
Sec. 18-76. Basis for area of special flood hazard.
Sec. 18-77. Establishment of development permit.
Sec. 18-78. Compliance.
Sec. 18-79. Abrogation and greater restrictions.
Sec. 18-80. Interpretation.
Sec. 18-81. Warning and disclaimer of liability.
Sec. 18-82. Penalties for violation.
Secs. 18-83—18-107. Reserved.

Division 4. Administration

Sec. 18-108. Designation of ordinance administrator.
Sec. 18-109. Permit procedures.
Sec. 18-110. Duties and responsibilities of the administrator.
Secs. 18-111—18-133. Reserved.

Division 5. Provisions for Flood Hazard Reduction

Sec. 18-134. General standards.
Sec. 18-135. Specific standards.
Sec. 18-136. Building standards for streams without established base flood elevations and/or floodway (A-Zones).
Sec. 18-137. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.
Sec. 18-138. Standards for areas of shallow flooding (AO Zones).
Sec. 18-139. Standards for subdivisions.

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- Sec. 18-140. Standards for critical facilities.
- Sec. 18-141. Variance procedures.
- Sec. 18-142. Definitions.
- Sec. 18-143. Severability.

ARTICLE I. IN GENERAL

Secs. 18-1—18-18. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION ORDINANCE**DIVISION 1. GENERALLY**

Secs. 18-19—18-39. Reserved.

DIVISION 2. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**Sec. 18-40. Authorization.**

Article IX, section II of the constitution of the state and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(Ord. of 7-7-2009, art. 1, § A)

Sec. 18-41. Findings of fact.

(a) The flood hazard areas of the county are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(Ord. of 7-7-2009, art. 1, § B)

Sec. 18-42. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities, which serve such used, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion; and

- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands;
 - (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- (Ord. of 7-7-2009, art. 1, § C)

Sec. 18-43. Objectives.

The objectives of this article are:

- (1) To protect human life and health;
 - (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - (3) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas;
 - (4) To minimize expenditure of public money for costly flood control projects;
 - (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (6) To minimize prolonged business interruptions; and
 - (7) To ensure that potential homebuyers are notified that property is in a flood area.
- (Ord. of 7-7-2009, art. 1, § D)

Secs. 18-44—18-74. Reserved.

DIVISION 3. GENERAL PROVISIONS

Sec. 18-75. Lands to which this article applies.

This division shall apply to all areas of special flood hazard within the jurisdiction of the county, excluding those areas within jurisdiction of the City of Cairo and the City of Whigham.

(Ord. of 7-7-2009, art. 2, § A)

Sec. 18-76. Basis for area of special flood hazard.

- (a) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), dated April 1, 1996, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this division.
- (b) For those land areas acquired by a municipality through annexation, the current effective FIS dated April 1, 1996, with accompanying maps and other supporting data and any revision thereto, for the county are hereby adopted by reference.

(c) Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

(d) The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located at the Code Enforcement Office, 250 N. Broad St. Cairo, GA 39828.
(Ord. of 7-7-2009, art. 2, § B)

Sec. 18-77. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this division prior to the commencement of any development activities.
(Ord. of 7-7-2009, art. 2, § C)

Sec. 18-78. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this division and other applicable regulations.
(Ord. of 7-7-2009, art. 2, § D)

Sec. 18-79. Abrogation and greater restrictions.

This division is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this division and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. of 7-7-2009, art. 2, § E)

Sec. 18-80. Interpretation.

In the interpretation and application of this division, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body and deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. of 7-7-2009, art. 2, § F)

Sec. 18-81. Warning and disclaimer of liability.

The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This division shall not create liability on the part of the county or by any officer or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made hereunder.
(Ord. of 7-7-2009, art. 2, § G)

Sec. 18-82. Penalties for violation.

Failure to comply with the provisions of this division or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this division or fails to comply with any of its requirements shall, upon conviction thereof, be punished according to section 1-12, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. of 7-7-2009, art. 2, § H)

Secs. 18-83—18-107. Reserved.

DIVISION 4. ADMINISTRATION

Sec. 18-108. Designation of ordinance administrator.

The code enforcement officer is hereby appointed to administer and implement the provisions of this division.

(Ord. of 7-7-2009, art. 3, § A)

Sec. 18-109. Permit procedures.

Application for a development permit shall be made to the code enforcement officer on forms furnished by the community prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(1) *Application stage.*

- a. Elevation in relations to mean seal level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- b. Elevation in relations to mean sea level to which any nonresidential structure will be floodproofed;
- c. Design certification from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of section 18-135(2);
- d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

(2) *Construction stage.*

- a. For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct

supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

- b. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.
- c. The code enforcement officer shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be caused to issue a stop work order for the project.

(Ord. of 7-7-2009, art. 3, § B)

Sec. 18-110. Duties and responsibilities of the administrator.

Duties of the code enforcement officer shall include, but shall not be limited to:

- (1) Review proposed development to ensure that the permit requirements of this division have been satisfied.
- (2) Review proposed development to ensure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1334. Require that copies of such permits be provided and maintained on file.
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (4) When base flood elevation data or floodway data have not been provided in accordance with section 18-76, then the code enforcement officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of division 5 of this article.
- (5) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with section 18-109(2).
- (6) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with section 18-109(2).
- (7) When floodproofing is utilized for a structure, the code enforcement officer shall obtain certification of design criteria from a registered professional engineer or architect in accordance with sections 18-109(1)c and 18-135(2) or 18-137(2).
- (8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

- (9) Notify adjacent communities and the state department of natural resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
 - (10) For any altered or relocated watercourse, submit engineering data/analysis within six months to FEMA to ensure accuracy of community flood maps through the letter of map revision process. Ensure flood carrying capacity of any altered or relocated watercourse is maintained.
 - (11) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the code enforcement officer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this division.
 - (12) All records pertaining to the provisions of this division shall be maintained in the office of the code enforcement and shall be open for public inspection.
- (Ord. of 7-7-2009, art. 3, § C)

Secs. 18-111—18-133. Reserved.

DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 18-134. General standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (4) Elevated buildings. All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one-foot above grade; and
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

- b. So as not to violate the lowest floor criteria of this article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity is not furthered, extended or replaced.
- (Ord. of 7-7-2009, art. 4, § A)

Sec. 18-135. Specific standards.

In all areas of special flood hazard the following provisions are required:

- (1) *New construction and/or substantial improvements.* Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than two foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of section 18-134(4). All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above two foot above the base flood elevation.
- (2) *Nonresidential construction.* New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH Zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to two foot above the base flood elevation, with walls substantially impermeable to the

passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above and in section 18-110(6).

- (3) *Standards for manufactured homes and recreational vehicles.* Where base flood elevation data are available:
- a. All manufactured homes placed and/or substantially improved on:
 - 1. Individual lots or parcels;
 - 2. In new and/or substantially improved manufactured home parks or subdivisions;
 - 3. In expansions to existing manufactured home parks or subdivisions; or
 - 4. On a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damage as the result of a flood, must have the lowest floor including basement, elevated no lower than two foot above the base flood elevation.
 - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - 1. The lowest floor of the manufactured home is elevated no lower than two foot above the level of the base flood elevation; or
 - 2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (See section 18-134(6).)
 - d. All recreational vehicles placed on sites must either:
 - 1. Be on the site for fewer than 180 consecutive days.
 - 2. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - 3. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of subsections (3)a and c of this section
- (4) *Floodway.* Located within areas of special flood hazard established in section 18-76, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity

floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- b. Only if subsection (4)a of this section is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this division.

(Ord. of 7-7-2009, art. 4, § B)

Sec. 18-136. Building standards for streams without established base flood elevations and/or floodway (A-Zones).

Located within the areas of special flood hazard established in section 18-76, where streams exist but no base flood data have been provided (A-Zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with section 18-76, then the county code enforcement director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this division. Only if data are not available from these sources, then subsections (2) and (3) of this section shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a two-foot increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (Note: require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a limited detail study has been completed.) Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 18-134(4). All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

The county code enforcement director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(Ord. of 7-7-2009, art. 4, § C)

Sec. 18-137. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.

Located within the areas of special flood hazard established in section 18-76, where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than two foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (2) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with section 18-135.

(Ord. of 7-7-2009, art. 4, § D)

Sec. 18-138. Standards for areas of shallow flooding (AO Zones).

Areas of special flood hazard established in section 18-76, may include designated AO shallow flooding areas. These areas have base flood depths of two to three feet aboveground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 18-134(4). The code enforcement officer shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (2) New construction or the substantial improvement of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus two foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above and as required in section 18-109(1)c and (2).

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. of 7-7-2009, art. 4, § E)

Sec. 18-139. Standards for subdivisions.

(a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) For subdivisions and/or developments greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

(Ord. of 7-7-2009, art. 4, § F)

Sec. 18-140. Standards for critical facilities.

(a) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

(b) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(Ord. of 7-7-2009, art. 4, § G)

Sec. 18-141. Variance procedures.

(a) The board of commissioners as established by board of commissioners shall hear and decide requests for appeals or variance from the requirements of this division.

(b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the code enforcement officer in the enforcement or administration of this division.

(c) Any person aggrieved by the decision of the board of commissioners may appeal such decision to the county superior court, as provided in O.C.G.A. § 5-4-1.

(d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this division are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) In reviewing such requests, the board of commissioners shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this division.

(h) Conditions for variances:

(1) A variance shall be issued only when there is:

- a. A finding of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this division are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(4) The code enforcement officer shall maintain the records of all appeal actions and report any variances to FEMA upon request.

(i) Upon consideration of the factors listed above and the purposes of this division, the board of commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(Ord. of 7-7-2009, art. 5)

Sec. 18-142. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered new construction.

Appeal means a request for a review of the code enforcement officer's interpretation of any provision of this division.

Area of shallow flooding means a designated AO or AH Zone on a community's FIRM with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the FEMA, areas of special flood hazard shall be those designated by the local community and referenced section 18-76.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means that portion of a building having its floor sub-grade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical facility means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (4) Generating plants, and other principal points of utility lines.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before April 1, 1996 [the effective date of the initial FIRM for that community].

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before October 1, 1994 [the effective date of the first floodplain management regulations adopted by a community].

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain means any land area susceptible to flooding.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. The term "freeboard" tends to compensate for the many unknown factors that

could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior; or
 - b. Directly by the secretary of the interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufacture home" also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

National Geodetic Vertical Datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after April 1, 1996 [the effective date of the initial FIRM] and

includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced after October 4, 1994 [the effective date of the FIRST floodplain management ordinance adopted by the community], and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after October 4, 1994 [the effective date of the first floodplain management regulations adopted by a community].

North American Vertical Datum (NAVD) has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

Recreational vehicle means a vehicle, which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure (note: accessory structures are not exempt from any ordinance requirements.) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision means the division of a single lot into two or more lots for the purpose of sale or development.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the start of construction of the improvement. Note: the market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. The term "substantial improvement" includes structures, which have incurred substantial damage, regardless of the actual amount of repair work performed. For the purposes of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term "substantial improvement" does not, however, include those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home parks or subdivisions means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance means a grant of relief from the requirements of this division, which permits construction in a manner otherwise prohibited by this division.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.

(Ord. of 7-7-2009, art. 6)

Sec. 18-143. Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this chapter.

(Ord. of 7-7-2009, art. 7)

Chapter 19

RESERVED

Chapter 20

LAW ENFORCEMENT

Article I. In General

Secs. 20-1—20-18. Reserved.

Article II. County Police Department

Sec. 20-19. Establishment; supervision, rules.

ARTICLE I. IN GENERAL

Secs. 20-1—20-18. Reserved.

ARTICLE II. COUNTY POLICE DEPARTMENT*

Sec. 20-19. Establishment; supervision, rules.

The board of commissioners, pursuant to O.C.G.A. § 36-8-1 et seq., hereby establishes the county police department and further hereby grants to the county police department all powers and authorities as may be given such department by the laws of the state, as may be directed by the board of commissioners or its designated agent and hereby establishes same as a department within the county and designates the title of the department head as superintendent of public safety, and further hereby directs the county administrator to establish such regulations and rules regarding such department as may be reasonable and necessary.

(Code 1994, § 32-26; Res. of 2-18-1992)

*State law reference—County police, O.C.G.A. § 36-8-1 et seq.

Chapter 21

RESERVED

Chapter 22

MANUFACTURED HOMES AND TRAVEL TRAILERS*

Article I. In General

- Sec. 22-1. Short title.
- Sec. 22-2. Authority.
- Sec. 22-3. Jurisdiction.
- Sec. 22-4. Definitions.
- Secs. 22-5—22-26. Reserved.

Article II. General Requirements

- Sec. 22-27. Application.
- Sec. 22-28. Required certification.
- Sec. 22-29. Required decals.
- Sec. 22-30. Inspection.
- Sec. 22-31. Conformance to state and county health requirements.
- Sec. 22-32. Regulations of occupancy.
- Secs. 22-33—22-52. Reserved.

Article III. Travel Trailers

- Sec. 22-53. Application.
- Sec. 22-54. Occupancy.
- Sec. 22-55. Storage.
- Sec. 22-56. Health.
- Secs. 22-57—22-85. Reserved.

Article IV. Manufactured Home Rental Communities; General Requirements

- Sec. 22-86. Application.
- Sec. 22-87. Preexisting manufactured home developments.
- Sec. 22-88. Plat required.
- Sec. 22-89. Public street access.
- Sec. 22-90. Suitability of land.
- Sec. 22-91. Expansion of existing manufactured home rental communities.
- Sec. 22-92. Conformance to standards for public health and environmental protection.
- Sec. 22-93. Variance procedure.
- Secs. 22-94—22-114. Reserved.

***State law references**—Factory built buildings and dwelling units, O.C.G.A. § 8-2-110 et seq.; The Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.; tourist courts, O.C.G.A. § 31-28-1 et seq.; manufacture, sale and transport of mobile homes, O.C.G.A. § 40-2-38; taxation of mobile homes, O.C.G.A. § 48-5-490 et seq.; excise tax on rooms, lodgings and accommodations, O.C.G.A. § 48-13-50 et seq.

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Article V. Manufactured Home Rental Communities; Platting Procedure, Requirements and Certification

- Sec. 22-115. Review and approval of plats.
- Sec. 22-116. Recommended sketch plan.
- Sec. 22-117. Preliminary plat requirements.
- Sec. 22-118. Review by the county health department.
- Sec. 22-119. Certificate of preliminary plat approval.
- Sec. 22-120. Construction of the manufactured home rental community.
- Sec. 22-121. Final plat application.
- Sec. 22-122. Final plat requirements.
- Sec. 22-123. Certificates of final plat approval.
- Secs. 22-124—22-143. Reserved.

Article VI. Development Size and Space Requirements

- Sec. 22-144. Manufacture home rental.
- Sec. 22-145. Length of residential occupancy.
- Secs. 22-146—22-173. Reserved.

Article VII. Design Requirements

- Sec. 22-174. Conforming design.
- Sec. 22-175. Setback.
- Sec. 22-176. Minimum stand size.
- Sec. 22-177. Access.
- Sec. 22-178. Streets.
- Sec. 22-179. Parking.
- Sec. 22-180. Abandoned vehicles.
- Sec. 22-181. Density.
- Sec. 22-182. Recreation.
- Sec. 22-183. Skirting.
- Secs. 22-184—22-201. Reserved.

Article VIII. Required Improvements

- Sec. 22-202. Minimum improvements.
- Sec. 22-203. Sewerage.
- Sec. 22-204. Water.
- Sec. 22-205. Easements.
- Sec. 22-206. Utility placement.
- Sec. 22-207. Street name and traffic control signs.
- Sec. 22-208. Lighting.
- Sec. 22-209. Mail facilities.
- Sec. 22-210. Garbage and refuse.
- Secs. 22-211—22-227. Reserved.

Article IX. Manufactured Home Stand Improvements

- Sec. 22-228. Minimum requirements.
- Sec. 22-229. Interior street access.

MANUFACTURED HOMES AND TRAVEL TRAILERS

- Sec. 22-230. Electric power supply.
- Sec. 22-231. Sewerage disposal.
- Sec. 22-232. Manufactured home subdivisions.
- Sec. 22-233. Enforcement.

ARTICLE I. IN GENERAL**Sec. 22-1. Short title.**

This chapter shall be known and may be referred to as the county manufactured home and travel trailer regulations.

(Ord. of 11-18-1992, § 3.1-1)

Sec. 22-2. Authority.

This chapter is adopted under authority of art. IX, § II, ¶ IV, of the state constitution.

(Ord. of 11-18-1992, § 3.1-2)

Sec. 22-3. Jurisdiction.

This chapter shall govern the location and occupancy of manufactured homes and travel trailers, the design and improvement of manufactured home rental communities and subdivisions for manufactured homes, within the unincorporated areas of the county. Notwithstanding any other provisions hereof, this chapter shall not be deemed to apply to manufactured homes or travel trailers so long as the same are on a sales lot or one the premises of a manufactured home manufacturer and are not occupied as residences.

(Ord. of 11-18-1992, § 3.1-3)

Sec. 22-4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure of use means a detached building or parcel of land necessary as an adjunct to the establishment of a manufactured home rental community or manufactured home subdivision and services rendered to its occupants. The term "accessory structure of use" shall refer to travel trailers when in storage on a residential lot.

Adjoining property line means the boundary between a manufactured home rental community, manufactured home subdivision or a site occupied by a manufactured home, and property in another ownership and shall, for the purposes of this chapter, include street, railroad or utility right-of-way.

Alteration means the relocation of manufactured homes within a development of any change in the exterior dimensions of accessory structures; also, the term "alteration" means any changes to an approved plot plan.

Building permit means a duly authorized form signed by the official authorizing the location of a manufactured home or the construction of an accessory structure.

Cabana means a semi-permanent addition to a manufactured home, measuring no greater than 900 square feet.

Expansion means the enlargement of a manufactured home rental community by the provision of further utility and road improvements or the addition of manufactured homes or travel trailers to a development, in excess of the number of improved sites existing at the time of adoption of the ordinance from which this chapter is derived.

Manufactured home (formerly known as "mobile homes") means a detached single-family dwelling unit, designed for long-term occupancy, which normally has been prefabricated and then transported to its site or to a sales lot on its own wheels, on a detachable undercarriage, or on a flatbed or other trailer conveyance and requires only minor work before occupancy, such as connection to utilities or a foundation. Such a dwelling shall be constructed in accordance with the Federal Manufactured Home Construction and Safety Standard, which came into effect on June 15, 1976, and shall bear an insignia issued by the U.S. Department of Housing and Urban Development (HUD). Units manufactured before this date are subject to the provisions of this chapter but are not required to meet these HUD standards.

Manufactured home pad means that portion of a manufactured home stand equal to the length and width of the manufactured home placed on the stand.

Manufactured home rental communities (formerly known, variously, as "mobile home parks," "trailer parks" or "trailer courts") means a single tract of land with more than two manufactured homes and, under some conditions, travel trailers.

Manufactured home stand means the site designed for the placement of a manufactured home and its cabana, accessory structures, utility connections and off-street parking facilities.

Manufactured home subdivision means a subdivision of land intended for the sale of lots to individuals for the placement and occupancy of manufactured homes.

Rural manufactured home site means a privately-owned site in the unincorporated areas of the county designated for the establishment of a single manufactured home stand.

Travel trailer means a structure designed to be towed by a motor vehicle, such structure being not more than eight feet in width when portable, and being designed as a temporary dwelling for travel, recreation or vacation uses. For the purposes of the term "travel trailer," motor homes and motor coaches are included herein.

Usable area means the net usable portion of a lot, tract, or stand, not including any additional property within the legal boundaries of the parcel which by virtue of permanent or seasonal inundation by surface water, crossing by rights-of-way or easements, steep slopes, and the like, is not suitable for the construction of habitable structures or drain fields.

(Ord. of 11-18-1992, § 3.1-4; Ord. of 3-16-1993, § 1; Ord. of 3-6-2018)

Secs. 22-5—22-26. Reserved.

ARTICLE II. GENERAL REQUIREMENTS

Sec. 22-27. Application.

Any occupied manufactured home located within the unincorporated areas of the county shall be located within a manufactured home rental community, a manufactured home subdivision or on an

approved rural manufactured home site meeting the requirements and minimum standards set forth herein. All manufactured homes shall additionally meet the general requirements set forth in this article. (Ord. of 11-18-1992, § 3.2-1)

Sec. 22-28. Required certification.

No new manufactured home shall be admitted to any manufactured home rental community, rural manufactured home site, or subdivision unless it can be demonstrated that it meets the requirements of the Department of Housing and Urban Development (HUD) and is constructed in conformance with the Federal Manufactured Home Construction and Safety Standard which came into effect on June 15, 1976, and bears an insignia issued by HUD certifying such conformance. Manufactured homes constructed prior to the effective date of the above standards shall bear the mobile home manufacturers association and trailer coach association (MHMA-TCA) seal. Accessory structures shall require a building permit.

(Ord. of 11-18-1992, § 3.2-2)

Sec. 22-29. Required decals.

All manufactured homes in the county, exclusive of a sales or manufacturers lot, shall be affixed with a current decal issued by the county tax commissioner. Decals provided for each calendar year shall expire on December 31 of that year. After January 1 of each year and upon payment of all taxes due on the manufactured home, a decal for the new year will be provided for attachment to the manufactured home. After April 1 of each year, a delinquency fee plus a percentage of the amount of taxes due on that manufactured home will be assessed as stated in the county fee schedule in amounts to be determined by the board by resolution from time to time, in addition to the normal taxes due for that calendar year. Manufactured homes with undercarriage removed and attached to a foundation or slab will not require the display of a decal but will be taxed in the same manner as any other residence or building.

(Ord. of 11-18-1992, § 3.2-3)

Sec. 22-30. Inspection.

(a) *Manufactured home rental community.* It shall be the responsibility of the county code enforcement officer to inspect all units being placed within the confines of the development prior to the placement of the manufactured home on its stand and the connection of utility services and occupancy of the manufactured home. Annually, the county code enforcement officer, at his convenience, shall inspect each manufactured home rental community within the unincorporated areas of the county and the manufactured homes within these developments to determine compliance with these regulations.

(b) *Subdivisions and rural sites.* Manufactured homes placed within subdivisions or on rural sites shall be inspected and permitted as required by the county subdivision regulations.

(Ord. of 11-18-1992, § 3.2-4)

Sec. 22-31. Conformance to state and county health requirements.

Prior to the allowance of permanent occupancy of any manufactured home within the unincorporated areas of the county, such manufactured home shall be connected with an approved water source

and an approved sewage disposal method. In order to secure approval, these facilities must comply with the applicable requirements of either the state department of human resources (DHR) for individual units (i.e., individual wells and septic tanks) or the state department of natural resources (DNR) for central community systems. The requirements for individual systems are set out in O.C.G.A. § 31-3-1 et seq., and in any relevant regulations published by a state agency.
(Ord. of 11-18-1992, § 3.2-5)

Sec. 22-32. Regulations of occupancy.

Occupancy of a manufactured home within the jurisdiction of this article shall as follows:

- (1) *Manufactured home rental community.* In the event a manufactured home is placed in a manufactured home rental community, it shall conform to the approved arrangements for its site with respect to location, utilities and registration. It shall be the responsibility of the county code enforcement officer to inspect the installation of the manufactured home prior to allowing its occupancy. It shall be the development operator's responsibility to maintain a dated logbook for each manufactured home within the development, indicating the name of the occupants, its vehicle license, if so equipped, and whether it has a MHMA or TCA seal. Such records shall be available for inspection by the county code enforcement officer.
- (2) *Manufactured home subdivision.* In the event a manufactured home is placed within a manufactured home subdivision, a building permit shall be required prior to the placement of the home on its foundation or the connection of utilities.
- (3) *Rural manufactured home sites.* Occupancy of a manufactured home is permitted, provided that each manufactured home is placed on a site.

(Ord. of 11-18-1992, § 3.2-6)

Secs. 22-33—22-52. Reserved.

ARTICLE III. TRAVEL TRAILERS

Sec. 22-53. Application.

Any travel trailer located within the unincorporated areas of the county shall meet the requirements of this article.

(Ord. of 11-18-1992, § 3.3-1)

Sec. 22-54. Occupancy.

(a) The residential occupancy of a travel trailer shall be limited to 60-day occupancy of sites specifically designed for travel trailers within manufactured home rental communities; recreation sites or areas on state-, company-, county- or municipally-owned land which have traditionally been used as camping sites or which are specifically reserved in the future for such recreational pursuits; or private lots which are hereafter designed for and restricted to recreational or vacation use.

(b) When a travel trailer is located on a lot in a residential subdivision, it shall not be utilized as a residence or occupied permanently by household members, their guests, or as a rental unit.
(Ord. of 11-18-1992, § 3.3-2)

Sec. 22-55. Storage.

Travel trailers, when located on a residential lot, shall be located at least ten feet from any residence, unless stored within a portion of the dwelling or accessory structure. Storage on public rights-of-way is hereby prohibited.
(Ord. of 11-18-1992, § 3.3-3)

Sec. 22-56. Health.

In the event that a trailer is occupied as a temporary residence and its plumbing facilities are in use, the trailer shall be provided with an approved water source and an approved sewerage disposal method complying with the requirements of the county department of health.
(Ord. of 11-18-1992, § 3.3-4)

Secs. 22-57—22-85. Reserved.

ARTICLE IV. MANUFACTURED HOME RENTAL COMMUNITIES; GENERAL REQUIREMENTS

Sec. 22-86. Application.

All manufactured home rental communities within the unincorporated areas of the county shall conform to the minimum requirements set forth herein.
(Ord. of 11-18-1992, § 3.4-1)

Sec. 22-87. Preexisting manufactured home developments.

All manufactured home rental communities existing at the adoption of the ordinance from which this article is derived, are hereby declared to be conforming and shall be allowed to continue to exist and operate as presently designed and improved until expanded or abandoned. However, such manufactured home developments shall at all times conform to minimum health and sanitation codes of the county and the state.
(Ord. of 11-18-1992, § 3.4-2)

Sec. 22-88. Plat required.

From and after the adoption of the ordinance from which this article is derived, each new or expanded manufactured home rental community development shall be presented in plan form for approval by the county planning commission and shall conform to the minimum design and improvement standards required herein.
(Ord. of 11-18-1992, § 3.4-3)

Sec. 22-89. Public street access.

No new manufactured home rental community shall be developed within the county unless the street giving access thereto has been accepted as a public street, or unless such street has obtained the status of a public street prior to the effective date of the ordinance from which this article is derived.

(Ord. of 11-18-1992, § 3.4-4)

Sec. 22-90. Suitability of land.

Land which the planning commission finds to be unsuitable for a manufactured home rental community development due to flooding, improper drainage, topography, utility easement or other features shall not be developed unless adequate provision can be made for correcting any unsuitable conditions.

(Ord. of 11-18-1992, § 3.4-5)

Sec. 22-91. Expansion of existing manufactured home rental communities.

A person, firm, or corporation desiring to expand an existing manufactured home rental community to include more manufactured home sites than are accommodated within such development at the adoption date of the ordinance from which this article is derived shall submit plans and specifications for such improvements to the county planning commission for approval prior to initiating construction and improvements. Improvements, reconstruction and redesign of existing developments required by the planning commission shall conform to these regulations and shall be limited to those necessary to make access, utility service and design of both old and new portion of the development compatible.

(Ord. of 11-18-1992, § 3.4-6)

Sec. 22-92. Conformance to standards for public health and environmental protection.

The developer, insofar as such regulations may pertain to his particular project, is responsible for meeting all applicable federal, state, and county regulations concerning the provision of safe drinking water, sewage treatment, erosion and sedimentation control, mosquito control, and impacts on wetlands and waters of the state.

(Ord. of 11-18-1992, § 3.4-7)

Sec. 22-93. Variance procedure.

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this article would cause an unnecessary hardship, the planning commission may authorize a variance, if such variance can be made without destroying the intent of the manufactured home and travel trailer regulations. Variances must be entered in writing in the minutes of the planning commission and the reason for said variance set forth.

(Ord. of 11-18-1992, § 3.4-8)

Secs. 22-94—22-114. Reserved.

**ARTICLE V. MANUFACTURED HOME RENTAL COMMUNITIES; PLATTING
PROCEDURE, REQUIREMENTS AND CERTIFICATION**

Sec. 22-115. Review and approval of plats.

The submission, distribution, review and approval of preliminary and final plats for proposed new (or expansions to existing) manufactured home rental communities shall be conducted in accordance with the county subdivision regulations, except for modified plat requirements for manufactured home developments which are set out in the sections of this article.

(Ord. of 11-18-1992, § 3.5-1)

Sec. 22-116. Recommended sketch plan.

It is recommended that the developer present a sketch plan of the proposed manufactured home rental community (or additions to existing developments) for initial review by the planning commission and appropriate county departments. The sketch plan should contain the following data:

- (1) Type of development;
- (2) Approximate tract boundaries and total acreage;
- (3) Approximate location with respect to land lot lines;
- (4) Existing streets on and adjacent to the tract;
- (5) Proposed general internal street layout;
- (6) Significant topographic, physical and historic features;
- (7) Generalized existing vegetation; and
- (8) Proposed general layout and total number of stands.

(Ord. of 11-18-1992, § 3.5-2)

Sec. 22-117. Preliminary plat requirements.

The preliminary plat may be a sketch of approximate accuracy and of a legible scale, made directly on a print of a boundary survey. The plat shall include the following information:

- (1) Proposed manufactured home rental community name or identifying title and total acres.
- (2) Name of owner of the development or his authorized agent, if any.
- (3) The names of all owners of all land adjacent to the proposed development.
- (4) A vicinity map at a scale of not less than one inch equals two miles showing the location of the proposed development.
- (5) Street names, right-of-way and roadway width data for any adjacent public streets and all private streets to be included in the development.
- (6) Location of utilities, and other types of easements.
- (7) Stand boundary lines, stand numbers (consecutively numbered or lettered), stand sizes, areas reserved for common use, etc.

- (8) Topographic maps of all land to be developed, with a two-foot contour interval, or where deemed appropriate by the planning commission, a one foot contour interval.
 - (9) Minimum stand setback lines.
 - (10) Numerical scale, graphic scale, north arrow, date.
 - (11) All elevations shall be based on sea level datum as determined from geodetic control monuments or U.S. Geological Survey 7½ minimum quad sheets.
 - (12) Delineation of all areas of the proposed development which lie within established Federal Emergency Management Agency (FEMA) floodplains and/or state jurisdiction wetlands.
 - (13) Soil characteristics. Where the proposed development is not to be served by a public or community sewerage system, information on soil types and capabilities, frequency and evaluation of seasonal high groundwater tables, and occurrence of rock and other impervious strata shall be provided by the developer.
 - a. A high intensity soil survey will generally be required to provide this data, although in some cases, and at the option of the county health department, a medium intensity survey may be adequate for some area of the county.
 - b. This information should be superimposed on a copy of the plat showing contour lines and other natural features of the site.
 - (14) Location of all water supplies on or off the development which will bear upon the location of the on-site sewage management systems.
 - (15) Generalized plans for stormwater management, including the proposed location of drainageways, basins, and other improvements.
 - (16) Plans for control of erosion and sedimentation.
 - (17) Draft of proposed restrictive lease agreements or covenants, if any, to be imposed, and designation of areas subject to special restrictions.
- (Ord. of 11-18-1992, § 3.5-3)

Sec. 22-118. Review by the county health department.

(a) If the proposed manufactured home rental community will make use of individual wells and/or wastewater treatment systems, the county department of public health shall review the proposed development for conformance with the requirements of any relevant regulations published by a state agency. If, in its judgment, the development will meet the applicable requirements of these regulations, then the following shall be inscribed on a copy of the preliminary plat showing information pertaining to soil characteristics, and an original signed preliminary plat:

GRADY COUNTY DEPARTMENT OF PUBLIC HEALTH

Based on topography, soils, and other associated information provided by the developer, soil scientist, and an on-site inspection; this proposed manufactured home community has been approved as to its general suitability for the installation of personal water wells and/or on-site sewage manage-

ment systems, with any exceptions as noted. Final approval of individual system installations can be given only if systems are installed according to state regulations for the department of public health: chapter 511-3-1.

This preliminary plat was given approval by the Grady County Department of Public Health on this _____ day of _____, 20____.

Grady County Environmental Health Specialist

(b) If the developer proposes to employ a central water and/or wastewater treatment system to serve the proposed development, the health department shall note on the plat that approval from the department of natural resources (DNR) is required for final plat approval.

(Ord. of 11-18-1992, § 3.5-4)

Sec. 22-119. Certificate of preliminary plat approval.

At such time as the preliminary plat may be approved by the planning commission, the following certificate of approval shall be inscribed on the plat provided that it has received certification by the county health department, to indicate such approval by this body:

Pursuant to the Manufactured Home and Travel Trailer Regulations of Grady County, Georgia, all the requirements for approval having been fulfilled, this Preliminary Plat was given approval by the Grady County Planning Commission on this _____ day of _____, 20____.

This approval does not constitute approval of a final plat. This certificate of approval shall expire and become null and void on _____, 20____, one year from the above date of approval.

Date

Chairperson, Planning Commission

(Ord. of 11-18-1992, § 3.5-5)

Sec. 22-120. Construction of the manufactured home rental community.

Construction of the development may commence only after approval of the preliminary plat by the county planning commission. The developer shall arrange periodic inspections of the project by the appropriate county departments during the course of construction. If, within one year from the date of approval of the preliminary plat by the planning commission, no substantive development has taken place, the approval will then be null and void. Substantive development may be evidenced by actual construction of utilities and/or infrastructure a demonstration of reliance and change of position as evidenced by the securing of a construction loan, purchase of construction materials, or the execution of valid contracts to commence construction work on the site within one year of approval by the planning commission.

(Ord. of 11-18-1992, § 3.5-6)

Sec. 22-121. Final plat application.

The final plat application shall contain:

- (1) A letter of application and intent containing the name and address of a person to whom notice may be sent. The developer shall state that all required minimum improvements have been made and that the manufactured home rental community is available for occupancy.
- (2) A complete list of deviations, if any, from that which appeared on the approved preliminary plat.
- (3) A certified copy of all private covenants or lease restrictions, if any, pertaining to land within the development.
- (4) A copy of the agreement between the developer and any other political jurisdiction, if any, regarding the arrangements for providing the necessary water and sewer facilities.
- (5) An original reproducible and ten prints of the final plat.
- (6) Design and calculations for the stormwater drainage system, including elevations and capacities of pipes and holding basins. This plan shall be designed so as to meet all applicable state and federal requirements.
- (7) A plan showing the location of all water, sewer, gas, and electrical system improvements, including locations of service connections.
- (8) If the proposed water/sewer system for the development requires the approval of the state department of natural resources, the approval shall be obtained prior to making application for approval of the final plat. The approval shall be in writing to the county commission.

(Ord. of 11-18-1992, § 3.5-7)

Sec. 22-122. Final plat requirements.

This final plat shall show the following:

- (1) Primary control points and benchmarks with necessary descriptions and locations of such control points, including all dimensions, angles, bearings and similar data necessary for proper locations.
- (2) Tract boundary lines, right-of-way lines of adjacent public streets and internal private streets, easements, other internal, private rights-of-way and other reserved sites; with accurate dimensions, bearings or deflection angles, radii, and area and central angle of any curves. All private streets shall be clearly labeled as such.
- (3) Names of internal, private streets.
- (4) Location, dimensions and purpose of any easements.
- (5) Number or letter to identify each manufactured home stand.
- (6) Purpose for which sites, other than individual stands, are dedicated or reserved.
- (7) Minimum building setback lines on all stands and other reserved sites.
- (8) Location and description of monuments.

- (9) Names of owners of adjoining land.
 - (10) Reference to recorded subdivision plats, if any, of adjoining platted land by recorded names, date, and number.
 - (11) Certification by registered surveyor or registered engineer to accuracy of survey and plat.
 - (12) Declaration of landownership.
 - (13) Title, numerical scale, graphic scale, north arrow, total project acreage and date.
 - (14) A vicinity map, shown either as in insert or on a separate sheet and at a scale of not less than one inch equals two miles, showing the location of the proposed development.
- (Ord. of 11-18-1992, § 3.5-8)

Sec. 22-123. Certificates of final plat approval.

At such time as the final plat may be approved by the planning commission and subsequently, by the board of county commissioners, a certificate of approval shall be inscribed on the plat to indicate such approval by these bodies.

Pursuant to the county manufactured home and travel trailer regulations, all the requirements for approval having been fulfilled, this final plat was given approval by the county planning commission on this _____ day of _____ 20____.

Date

Chairperson, Planning Commission

All requirements for approval having been fulfilled and approval having been made by the county planning commission, this final plat was given approval by the county board of commissioners this _____ day of _____, 20____.

Chairperson, Grady County Board of Commissioners

(Ord. of 11-18-1992, § 3.5-9)

Secs. 22-124—22-143. Reserved.

ARTICLE VI. DEVELOPMENT SIZE AND SPACE REQUIREMENTS

Sec. 22-144. Manufacture home rental.

Manufactured home rental communities shall conform to the requirements set forth in this article.
(Ord. of 11-18-1992, art. VI(intro.))

Sec. 22-145. Length of residential occupancy.

No space within a manufactured home rental community, except as provided in this section, shall be rented for residential use of a manufactured home except for periods of 30 days or more. In the event a manufactured home rental community fronts on a state or federal highway and the development owner

desires to lease space for travel trailers or for short time occupancy of a manufactured home, the developer shall prepare and reserve an area improved for temporary use in an area separate and screened from view of spaces leased for permanent occupancy.

(Ord. of 11-18-1992, § 3.6-1)

Secs. 22-146—22-173. Reserved.

ARTICLE VII. DESIGN REQUIREMENTS

Sec. 22-174. Conforming design.

The design of a manufactured home rental community shall conform to the requirements set forth in this article.

(Ord. of 11-18-1992, art. VII(intro.))

Sec. 22-175. Setback.

The manufactured home rental community shall be designed so that manufactured homes and their accessory structures shall observe the following minimum distances from rights-of-way and/or property lines.

Table 22-175. Setback Per Stand in Feet

<i>Front</i>	<i>Side</i>	<i>Rear</i>
25 feet	10 feet	15 feet
(Exterior boundaries)		30 feet

(Ord. of 11-18-1992, § 3.7-1)

Sec. 22-176. Minimum stand size.

The manufactured home rental community shall be designed in such a manner that each manufactured home stand will have a usable area not less than the requirements specified in the state DHR table MT-2.

(Ord. of 11-18-1992, § 3.7-2)

Sec. 22-177. Access.

All manufactured home rental communities shall provide a private, internal collector street system, with a minimum 40-foot right-of-way, connecting with a state- or county-maintained road. Each manufactured home (or travel trailer) site and its parking area shall have direct access to the internal street system of the development. No individual stand, however, shall have direct access to a state- or

county-maintained roadway; provided, however, that individual stands in manufactured home rental communities of less than ten spaces may have direct access to unpaved county-maintained roads if the following conditions are met:

- (1) Each driveway accessing a public road shall be a minimum of 250 feet apart measured from centerline to centerline of driveway.
 - (2) Each manufactured home shall be set back from the public road a minimum of 50 feet.
 - (3) A planted screening buffer 15 feet wide adjacent to the public road shall be provided as specified by the planning commission.
- (Ord. of 11-18-1992, § 3.7-3; Ord. of 6-7-1994)

Sec. 22-178. Streets.

All streets and drainage systems within a manufactured home rental community shall be privately-owned, -constructed and -maintained.

- (1) Manufactured home rental communities of less than ten spaces shall have, at a minimum, unpaved streets constructed in such a manner as to provide a 20-foot travel way. Unpaved streets shall be hard surfaced and crowned to facilitate drainage. Ditches on each side of streets shall be properly constructed to provide drainage of stormwater for the development. Unpaved streets shall be maintained periodically by the park owner so as to provide all-weather access for park tenants.
 - (2) Manufactured home rental communities of ten spaces or more shall have, at a minimum, paved streets constructed with a compacted sand-clay or soil cement base which extends one foot on each side of the paved surface. Paved surfaces shall be a minimum of ten feet for one-way streets and 20 feet for two-way streets. Provisions for stormwater runoff shall be provided.
- (Ord. of 11-18-1992, § 3.7-4)

Sec. 22-179. Parking.

Each manufactured home stand shall be provided with a minimum of two parking spaces. Parking on interior streets is prohibited unless an additional ten feet is provided to minimum street widths cited in section 22-178.

(Ord. of 11-18-1992, § 3.7-5)

Sec. 22-180. Abandoned vehicles.

It shall be the responsibility of the park owner to remove all abandoned vehicles from manufactured home rental community premises. Any vehicle left unattended for a period exceeding 90 days shall be deemed abandoned.

(Ord. of 11-18-1992, § 3.7-6)

Sec. 22-181. Density.

Density of manufactured homestands within a manufactured home rental community shall be governed by the provisions of section 22-174.
(Ord. of 11-18-1992, § 3.7-7)

Sec. 22-182. Recreation.

Manufactured home rental community owners are encouraged to devote a minimum of five percent of the gross site area to recreational facilities for community residents.
(Ord. of 11-18-1992, § 3.7-8)

Sec. 22-183. Skirting.

Each manufactured home shall be provided with approved skirting as required by the county building code.
(Ord. of 11-18-1992, § 3.7-9)

Secs. 22-184—22-201. Reserved.

ARTICLE VIII. REQUIRED IMPROVEMENTS

Sec. 22-202. Minimum improvements.

Manufactured home rental communities constructed or reconstructed shall be provided with the minimum improvements set forth in this article.
(Ord. of 11-18-1992, art. VIII(intro.))

Sec. 22-203. Sewerage.

The manufactured home rental community shall be provided with a sewerage collection system designed to comply with the requirements of the county health department for individual systems or the department of natural resources (DNR) standards for community systems so that each manufactured home stand structure can be serviced.
(Ord. of 11-18-1992, § 3.8-1)

Sec. 22-204. Water.

An approved potable water supply meeting all DHR and/or DNR as well as the county health department requirements shall be provided by the development operator.
(Ord. of 11-18-1992, § 3.8-2)

Sec. 22-205. Easements.

Publicly dedicated easements of property size for their intended purpose shall be provided within the development if service to individual manufactured home stands and accessory structure uses is to be provided by a public utility system.

(Ord. of 11-18-1992, § 3.8-3)

Sec. 22-206. Utility placement.

All water, sewer or gas lines shall be buried a minimum of 12 inches below the finished ground surface of the development and shall be provided with an adequate valve system to allow the cutoff of utility service to a manufactured home stand at the manufactured home stand and at the entrance of the utility system into the development. If overhead lines are provided within the development, such lines shall be a minimum of 15 feet above the grade of the interior streets and so placed that no wires extend over the manufactured home stand.

(Ord. of 11-18-1992, § 3.8-4)

Sec. 22-207. Street name and traffic control signs.

Each internal street within the development shall be identified by the installation of a permanent street sign. Traffic control signs (stop, yield, speed limit, etc.) shall be placed throughout the development where necessary. All street name and traffic control signs shall be installed, and the cost thereof paid by the developer, prior to final plat approval. All spaces shall be numbered with two-inch letters visible from the roadside.

(Ord. of 11-18-1992, § 3.8-5)

Sec. 22-208. Lighting.

All recreation areas, community entrances, community streets and pedestrian easements shall be illuminated to at least 0.3 foot candles by properly shielded lighting fixtures.

(Ord. of 11-18-1992, § 3.8-6)

Sec. 22-209. Mail facilities.

It shall be the responsibility of the developer to provide an approved mail delivery box for each manufactured home stand. For any development with a density of four units per acre or greater, a cluster mailbox, of a design approved by the United States Postal Service, shall be provided at a central location to serve the residents of the community. The developer is encouraged to consult with a local postal authority as to the best type of box to be used and where it may be located to best serve the proposed community.

(Ord. of 11-18-1992, § 3.8-7)

Sec. 22-210. Garbage and refuse.

It shall be the responsibility of the developer to provide adequate garbage and refuse containers, maintained in a rodent and vermin proof condition, easily accessible to or within each manufactured home stand and in sufficient number and placement to service all manufactured home stands in the

development. The adequacy and location of containers shall be determined by the code enforcement officer, based on county policy as may be established from time to time by the board of commissioners. (Ord. of 11-18-1992, § 3.8-8)

Secs. 22-211—22-227. Reserved.

ARTICLE IX. MANUFACTURED HOME STAND IMPROVEMENTS

Sec. 22-228. Minimum requirements.

Each manufactured home stand shall be provided with the minimum requirements set forth in this article.

(Ord. of 11-18-1992, art. IX(intro.))

Sec. 22-229. Interior street access.

Each stand shall be provided with access frontage of at least 30 feet.

(Ord. of 11-18-1992, § 3.9-1)

Sec. 22-230. Electric power supply.

Each stand shall be provided with an adequate, properly grounded, waterproofed electrical receptacle (manufactured home panel) that complies with the requirements of the county code office and the electric power supplier (Grady EMC, Georgia Power Company).

(Ord. of 11-18-1992, § 3.9-2)

Sec. 22-231. Sewerage disposal.

Each stand shall be provided with the means of disposing of kitchen, bath and putrescible waste directly into an installed septic tank system or an approved community sewerage collection system.

(Ord. of 11-18-1992, § 3.9-3)

Sec. 22-232. Manufactured home subdivisions.

Subdivisions designed for manufactured home occupancy shall be plated and developed under the procedure established and required under the county subdivision regulations.

(Ord. of 11-18-1992, art. X)

Sec. 22-233. Enforcement.

The provisions of these regulations shall be enforced by the official so designated by the governing authority. He shall have the right to enter any manufactured home development area at any reasonable time for the purpose of making inspections of manufactured homes, accessory structures and development facilities necessary to carry out his duties in the enforcement of these regulations.

(Ord. of 11-18-1992, art. XI)

Chapter 23

RESERVED

Chapter 24

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

Sec. 24-1. Tobacco free area.
Secs. 24-2—24-21. Reserved.

Article II. Disorderly Conduct

Sec. 24-22. Generally.
Sec. 24-23. Prosecutions.
Sec. 24-24. Citation.
Sec. 24-25. Bonds.
Sec. 24-26. Penalty.

***State law references**—Limitation on home rule powers of municipal corporations with respect to duplication of state criminal offenses, Ga. Const. art. III, § VI, ¶ IV; violation of ordinances of counties and state authorities, O.C.G.A. § 15-10-60; Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.; authorization to adopt ordinances for the governing and policing of the unincorporated areas of the county, O.C.G.A. § 36-1-20.

ARTICLE I. IN GENERAL**Sec. 24-1. Tobacco free area.**

All real property owned by the county, with the exception of road rights-of-way, is hereby established as a tobacco free area and that the use of tobacco in any form is prohibited upon any of this real property except in such areas and during such times as are designated by the county administrator.

(Ord. of 11-6-2007, § 1)

Secs. 24-2—24-21. Reserved.**ARTICLE II. DISORDERLY CONDUCT*****Sec. 24-22. Generally.**

A person commits the crime of disorderly conduct, if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person shall:

- (1) Act in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;
- (2) Act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- (3) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- (4) Without provocation, directs to another person in such other person's presence opprobrious or abusive words which by their very utterance tend to incite to an immediate breach of the peace, i.e., words which, as a matter of common knowledge and under ordinary circumstances, will, when directed to or spoken to another person in such other person's presence naturally, tend to result in violate resentment, that is words commonly called fighting words;
- (5) Congregate with another or others on any public way so as to halt the flow of vehicular or pedestrian traffic and/or refuses to clear the public way when ordered by the city police or other lawful authority a law enforcement officer;
- (6) Operate a motor vehicle upon any parking area, public or private, vehicle access or pedestrian walkway of any parking facility at a speed great enough to endanger the person or property of another;
- (7) Consume alcoholic beverages or possess or have under his control an open container of any alcoholic beverage in any public area, including property of the county;
- (8) Be, and appear, in an intoxicated condition in any public place or within the curtilage of any private residence not his own, other than by invitation of the owner or lawful occupant, or within a place of business patronized by the public, such condition made manifest by boisterousness, indecent condition or act or by vulgar, profane, loud or unbecoming language;

*State law reference—Disorderly conduct, O.C.G.A. § 16-11-39.

- (9) Be, and appear, in a place at a time or manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property;
 - (10) Perform an act of sexual intercourse, lewd exposure of the sexual organs, a lewd appearance in a state of partial or complete nudity, or the lewd caress or fondling of the body of another person in a public place;
 - (11) Intentionally make contact of an insulting and provoking nature with the person of another; or intentionally causes physical harm to another;
 - (12) Telephone another person repeatedly, whether or not conversation ensues, for the purpose of annoying, harassing, or molesting another person or the family of such other person; uses over the telephone language threatening bodily harm; or knowingly permits any telephone under such person's control to be used for any purpose prohibited by this subsection; or
 - (13) Intentionally damage any property of another without consent of that other person and the damage thereto is less than \$500.00; knowingly and maliciously interferes with the possession or use of the property of another person without the consent of that person; knowingly and without authority enter upon the land or premises of another person after receiving, prior to such entry, notice from the owner that such entry was forbidden; remains upon the land or premises of another person after receiving notice from the owner to depart.
- (Code 1994, § 35-1(a); Ord. of 10-6-1998, §§ 1—6; Ord. of 7-3-2000, § 1)

Sec. 24-23. Prosecutions.

Prosecutions for violations of this section shall be upon citation that shall show the accused is to appear at trial. The officer enforcing this section shall have the right to arrest and detain the accused as provided by O.C.G.A. §§ 15-10-62 and 15-10-63.

(Code 1994, § 35-1(b); Ord. of 10-6-1998, §§ 1—6; Ord. of 7-3-2000, § 1)

Sec. 24-24. Citation.

The citation shall comply with all requirements of state law in a form that shall be established by the chief magistrate court of the county.

(Code 1994, § 35-1(c); Ord. of 10-6-1998, §§ 1—6; Ord. of 7-3-2000, § 1)

Sec. 24-25. Bonds.

The chief magistrate of the county shall establish a schedule of cash bonds for the personal appearance in court of the accused. Procedures regarding acceptance of bonds, forfeiture of bonds, and acceptance of funds shall be established by the chief magistrate of the county.

(Code 1994, § 35-1(d); Ord. of 10-6-1998, §§ 1—6; Ord. of 7-3-2000, § 1)

Sec. 24-26. Penalty.

Violation of this article shall be punished as provided in section 1-12.

(Code 1994, § 35-1(e); Ord. of 10-6-1998, §§ 1—6; Ord. of 7-3-2000, § 1)

Chapter 25

RESERVED

Chapter 26

PARKS AND RECREATION*

Article I. In General

Sec. 26-1. Fishing on Hadley Ferry Road crossing.
Secs. 26-2—26-20. Reserved.

Article II. Tired Creek Park Hunting Regulations

Sec. 26-21. Generally.
Secs. 26-22—26-45. Reserved.

Article III. Tired Creek Park Uses

Sec. 26-46. Generally.
Sec. 26-47. Uses.
Sec. 26-48. Vehicle traffic.
Sec. 26-49. Penalties.
Sec. 26-50. Permits.

***State law references**—Power to provide parks, recreation areas, programs and facilities, Ga. Const. art. IX, § II, ¶ III(a)(5); establishment of recreation systems, O.C.G.A. § 36-64-1 et seq.; state commission on physical fitness created, O.C.G.A. § 50-12-40 et seq.

ARTICLE I. IN GENERAL**Sec. 26-1. Fishing on Hadley Ferry Road crossing.**

(a) There shall be no fishing from the bridge on Hadley Ferry Road crossing the Ochlocknee River within the county. Enforcement of the regulation imposed by this section will be accomplished by the game and fish commission and the county sheriff's department.

(b) Any person who violates subsection (a) of this section may, upon conviction, be punished according to the section 1-12.

(Ord. of 5-7-2002, § 1)

Secs. 26-2—26-20. Reserved.**ARTICLE II. TIRED CREEK PARK HUNTING REGULATIONS*****Sec. 26-21. Generally.**

The Tired Creek Lake authority regulations shall govern.

Secs. 26-22—26-45. Reserved.**ARTICLE III. TIRED CREEK PARK USES****Sec. 26-46. Generally.**

The county board of commissioners has an interest in the safe and proper management of the property it owns in various land lots within Land District 16 in the county consisting of approximately 3,000 acres and commonly referred to as Tired Creek Park. In order to safely and effectively manage this public resource, the commissioners will from time to time issue ordinances controlling the use and management of this tract of land.

(Ord. of 9-7-2004(2), § 2(a))

Sec. 26-47. Uses.

The public may only occupy or use that property known as the Tired Creek Park as is specifically authorized to do so in a county ordinance or upon obtaining a special use permit issued by the county board of commissioners as outlined in this section. Except as specifically authorized by ordinance or by special use permit as described in this section, the public use of the park is limited to the period of time from one hour before sunrise to one hour after sunset. Permitted public uses of the Tired Creek Park lands shall only include:

- (1) Hunting, as more specifically regulated in article II of this chapter.
- (2) Horseback riding.

*State law reference—Hunting, O.C.G.A. § 27-3-1 et seq.

- (3) Hiking.
- (4) Fishing.
- (5) Trail riding by all-terrain vehicle.
- (6) Agricultural uses and other special uses may be permitted as agreed to by the board of commissioners. Those seeking applications for special use should do so by notifying the county board of commissioners, in writing, of their desire to do so and shall not conduct such activity until a special use permit is issued by the commissioners for that activity. All agricultural uses shall be authorized by a lease agreement with the county.

(Ord. of 9-7-2004(2), § 2(b))

Sec. 26-48. Vehicle traffic.

Unless a special permit as contemplated by section 26-47 authorizes it, there shall be no motorcycles operated or parked on the land known as Tired Creek Park. Any vehicle not prohibited by this section shall be operated on Tired Creek Park in a manner to preserve peace and tranquility and minimize land disturbances and shall abide by all signs and instructions posted by the county on the property.

(Ord. of 9-7-2004(2), § 2(c))

Sec. 26-49. Penalties.

Any violation of the requirements of any of the provisions throughout this chapter may be punished as provided in section 1-12, in addition to, or in lieu of, any penalties or remedies available under state law.

(Ord. of 9-7-2004(2), § 2(d))

Sec. 26-50. Permits.

Those hunting, horseback riding, trail riding, hiking or fishing within the boundaries of Tired Creek Park must have in their possession a permit issued by the board of commissioners. The only use allowed at night between the hours of one hour after sunset until one hour before sunrise without a special use permit is racoon hunting and the permit for racoon hunting shall include a description of any vehicle which will be used on the property during these hours. The commissioners may assess a fee as set from time to time by the board for the issuance of any of these permits and the fee may vary according to the activity permitted. This permit will be valid for one year from the date of its issuance and shall be available for purchase at the county commissioner's office located at 250 N. Broad Street, Cairo, Georgia, during the regular office hours of this office. Each permit shall include an agreement in which the permit holder releases or holds harmless the county from any liabilities, damages, injuries, costs, expenses, or any other impositions incurred by the permit holder as a result of his use of the Tired Creek Park.

(Ord. of 9-7-2004(2), § 2(e))

Chapter 27

RESERVED

Chapter 28

PLANNING*

Article I. In General

- Sec. 28-1. Adoption of comprehensive land use plan.
Secs. 28-2—28-20. Reserved.

Article II. Planning Commission

- Sec. 28-21. Scope.
Sec. 28-22. Purpose, duties and responsibilities.
Sec. 28-23. Members; terms of appointment; officers.
Sec. 28-24. Building official as executive secretary.
Sec. 28-25. Agenda, minutes.
Sec. 28-26. Meetings.
Sec. 28-27. Order of business.
Sec. 28-28. Rules of procedure.
Sec. 28-29. Cancellation of meetings.
Sec. 28-30. Quorum.
Sec. 28-31. Voting.
Sec. 28-32. Conflict of interest.
Sec. 28-33. Committees.

***State law references**—Authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; coordinated and comprehensive planning by counties and municipalities, O.C.G.A. § 36-70-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.

ARTICLE I. IN GENERAL**Sec. 28-1. Adoption of comprehensive land use plan.**

The Cairo-Whigham-Grady County comprehensive land use plan is hereby adopted in compliance with the minimum planning standards and procedures as specified by the Georgia Planning Act of 1989. A copy of such plan is on file in the office of the clerk of the board of commissioners. (Code 1994, § 40-1; Res. of 6-4-1991; Ord. of 8-20-1991)

Secs. 28-2—28-20. Reserved.**ARTICLE II. PLANNING COMMISSION****Sec. 28-21. Scope.**

(a) The board of commissioners enact the bylaws of the county planning commission under the exercise of powers conferred upon it by the Georgia Constitution, art. IX, § II, ¶¶ 1 and 4.

(b) The bylaws set out in this article shall govern the purpose, duties, responsibilities, policies and procedures of the planning commission. The bylaws shall keep in effect all current purposes, duties, responsibilities, policies and procedures, including adopted resolutions, unless specifically changed under the rules of the bylaws.

(Code 1994, § 40-26)

Sec. 28-22. Purpose, duties and responsibilities.

The purpose, duties and responsibilities of the planning commission shall include, but not be limited to:

- (1) Researching, reviewing and making recommendation to the board of commissioners on amendments to the land development ordinance and the official land development maps, the comprehensive plan and the elements thereof, and other policies and procedures of the code enforcement office and related matters.
- (2) Advising the board of commissioners on environmental, public health, safety and general welfare matters which may include infrastructure, historic, business, residential and recreational matters, policies and procedures.
- (3) Working with various public and private organizations and agencies engaged in or interested in planning and development activities so as to provide leadership in identifying and implementing county objectives for planning and development.
- (4) Assisting the code enforcement office, other county departments, boards and authorities when appropriate to the purpose of the planning commission and the board of commissioners in carrying out their various functions by making recommendation to achieve the desired benefits on behalf of present and future county residents and businesses as a whole.

- (5) Reporting to the board of commissioners after research and review on any matter or class of matters referred to the planning commission by the board of commissioners before action is taken thereon by it.

(Code 1994, § 40-27; Ord. of 11-5-1991, § 1)

Sec. 28-23. Members; terms of appointment; officers.

(a) The board of commissioners shall appoint five citizens of the county to serve as members of the county planning commission. The members of the county planning commission shall be appointed for staggered terms of four years. The planning commission shall elect as officers one member to serve as chairperson and one member to serve as vice-chairperson. The officers of the planning commission shall be elected annually at the first public hearing scheduled in January of each year. Election shall be by a majority vote of the planning commission. The term of office for each officer shall begin immediately upon election. An officer shall fulfill his term unless relieved of his duties by the board of commissioners or until he voluntarily steps down. In the event of an extended absence of either officer, the planning commission may appoint either a temporary chairperson or vice-chairperson or until the expiration of his time of office, whichever comes first.

(b) The chairperson shall be elected for a term of one year beginning in January. The chairperson shall preside at all meetings and shall have all duties conferred by parliamentary usage on such officer. The chairperson shall decide all points of order and procedures subject to the rules of this article unless otherwise directed by a vote of the planning commission. The planning commission, by adoption of the bylaws in this article, grants to the chairperson the privilege of initiating motions and the privilege of voting on all matters before the planning commission. These same privileges shall be extended to the vice-chairperson or temporary chairperson when acting in the absence of the chairperson.

(c) The vice-chairperson shall be elected for a term of one year beginning in January. The vice-chairperson shall act as the chairperson, in his absence. When acting as chairperson the vice-chairperson shall have the same powers, duties and privileges as the chairperson.

(Code 1994, § 40-28; Ord. of 11-5-1991, § 2)

Sec. 28-24. Building official as executive secretary.

The building official shall serve as the executive secretary of the planning commission and may delegate the performance of the tasks required by the executive secretary to his subordinates. The executive secretary shall provide such technical, secretarial and other support services as the planning commission may reasonably require in the conduct of its business, including the maintenance of minutes and records, the preparation of an agenda for all meetings, the providing of notice of all meetings, the placement of appropriate legal notices as required by ordinance, attendance to the correspondence of the planning commission, providing the planning commission with the final action by the board of commissioners on the recommendations of the planning commission, and other services which may be required, to the extent such services can be provided within the budgetary limitations of the building official.

(Code 1994, § 40-29; Ord. of 11-5-1991, § 3)

Sec. 28-25. Agenda, minutes.

(a) The chairperson and executive secretary of the planning commission shall determine the meeting agenda. All matters to be considered and/or acted upon by the planning commission, non-agenda matters, which in the judgment of the chairperson do not involve action directly affecting the public, may be discussed and voted thereon.

(b) Meeting minutes shall include and indicate all important facts, a report of all actions taken, and shall include a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a record of any explanation or commentary which is relative to the decisions made on matters before the planning commission.

(c) The executive secretary shall prepare sufficient copies of the agenda and the applicable rules of procedure for use by the audience attending a meeting of the planning commission.

(Code 1994, § 40-30; Ord. of 11-5-1991, § 4)

Sec. 28-26. Meetings.

Meetings of the planning commission shall be held in accordance with the schedule adopted by the board of commissioners annually, as amended. One meeting shall normally be held each month which shall be the third Thursday of each month. All meetings shall be voting sessions and open to the public.

(1) *Public hearings.* Public hearings shall be used when required by resolution, ordinance or county policy or when desired by the planning commission to formally present matters before the planning commission and provide a public forum for the proponents and opponents of matters, discussion of matters by the planning commission and the voting thereon.

(2) *Special called meetings.* The chairperson, executive secretary or a majority of the planning commission may call a special meeting at any time. The executive secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each planning commission member. No business other than the specific stated purpose shall occur at the special called meeting.

(Code 1994, § 40-31; Ord. of 11-5-1991, § 5)

Sec. 28-27. Order of business.

The normal order of business at planning commission meetings shall be as decided on by the planning commission from time to time.

(Code 1994, § 40-32; Ord. of 11-5-1991, § 6)

Sec. 28-28. Rules of procedure.

The rules of procedure for planning commission meetings are as follows:

- (1) The chairperson shall call the matter before the planning commission.
- (2) The chairperson shall then call parties in interest who shall have privilege on the floor by appearing before the planning commission and identifying themselves by name, address and affiliation with any business or organization which would be relative to the matter being

considered. Proponents shall speak first; opponents shall speak second. All comments and questions from the parties in interest shall be directed to the planning commission. Neither proponents or opponents shall generally have more than ten minutes total to present their interest and the chairperson shall have the power to restrict or expand the period of time for presentations if, in his judgement, circumstances surrounding the matter may warrant such action.

- (3) The chairperson shall call for questions from the planning commission to the proponents or opponents immediately after their individual presentation or at the conclusion of all presentations.
- (4) The chairperson shall then call for discussion of the matter by the planning commission and the voting thereon. Once discussion by the planning commission has been called for, no further comment or presentation shall be made by parties in interest unless a planning commission member has a specific question for a party in interest, or the chairperson deems further comment to be appropriate and germane to the issues surrounding the matter before the planning commission.
- (5) All items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if, in the judgement of a majority of the planning commission, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.

(Code 1994, § 40-33; Ord. of 11-5-1991, § 7)

Sec. 28-29. Cancellation of meetings.

If there is a lack of business to be discussed and/or voted upon at a future meeting, the chairperson or a majority of the planning commission may cancel the meeting in question.

(Code 1994, § 40-34; Ord. of 11-5-1991, § 8)

Sec. 28-30. Quorum.

A quorum shall consist of a majority of the planning commission members and a majority vote of those present constituting a quorum shall be sufficient to decide all matters which come before the planning commission.

(Code 1994, § 40-35; Ord. of 11-5-1991, § 9)

Sec. 28-31. Voting.

(a) A planning commission member who is part of a quorum of the planning commission during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from the voting on that specific matter.

(b) A majority vote of a quorum of the planning commission is required for approval of all motions. A tie vote shall be deemed as a denial of the motion. A motion which fails by a majority vote shall not be deemed as approval of the opposite position, with any amendments and conditions, in order that the opposite position be submitted to the board of commissioners as the recommendation of the planning commission.

(c) The planning commission may add conditions to the approval of any application or matter it deems necessary so that the purposes of the county's resolutions, ordinances, regulations, policies and procedures are served, and so that the public health, safety and welfare of the residents of the county as a whole shall be protected and/or enhanced.

(d) The vote of each planning commission member, along with any explanation or commentary related to the decision of the planning commission on all actions on a particular matter, shall accompany the planning commission's recommendation to the board of commissioners.

(Code 1994, § 40-36; Ord. of 11-5-1991, § 10)

Sec. 28-32. Conflict of interest.

(a) If any planning commission member has any interest in any matter, proponent or opponent which may result in a gain or loss to that planning commission member, his immediate family by blood or marriage, or to any individual, partnership or corporation with whom that planning commission member has had any regular business or contractual relationships within the past 12 months, the planning commission member shall not participate in the consideration, discussion, questioning and voting on that particular matter before the planning commission, nor shall the planning commission member take any action which may influence the vote of any other planning commission member. If the chairperson has a conflict of interest, the vice-chairperson shall preside over the meeting during consideration of that particular matter.

(b) Any planning commission member may challenge another planning commission member and raise the question of conflict of interest regarding a particular matter. A majority of those without such challenge shall determine if such conflict of interest shall be left to the individual judgement of each planning commission member to determine if he is voting on the facts of a matter, for the general good of the county, and for the public health, safety and welfare of its residents as a whole.

(Code 1994, § 40-37; Ord. of 11-5-1991, § 11)

Sec. 28-33. Committees.

The chairperson may appoint, with the concurrence of the planning commission, various standing and temporary committees to further the purpose of the planning commission. Such committees may include members of the staff of various county departments, residents and business owners of the county and other individuals whose background and knowledge may be of benefit to the planning commission in accomplishing its goals. The purpose of committees shall be to make detailed investigations, studies and recommendations to the planning commission as instructed pertaining to matters or classes of matters falling within its purview.

(Code 1994, § 40-38; Ord. of 11-5-1991, § 12)

Chapter 29

RESERVED

Chapter 30

SOLID WASTE AND SCRAP TIRE MANAGEMENT*

- Sec. 30-1. Definitions.
- Sec. 30-2. Waste disposal; general.
- Sec. 30-3. Handbills, circulars, advertisements.
- Sec. 30-4. Transporting solid waste and litter.
- Sec. 30-5. Regulation of all solid waste or litter containers and receptacles.
- Sec. 30-6. Accumulation.
- Sec. 30-7. Violations and penalties.
- Sec. 30-8. Enforcement.
- Sec. 30-9. Civil remedies and abatement of nuisance.
- Sec. 30-10. Evidence of violations.
- Sec. 30-11. Yard trimmings.
- Sec. 30-12. Recycling.

***State law references**—Authorization to provide garbage and solid waste collection and disposal, Ga. Const. art. IX, § II, ¶ III; Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local and regional solid waste plans, O.C.G.A. § 12-8-31.1; hazardous waste disposal, O.C.G.A. § 12-8-61 et seq.; Litter Control Law, O.C.G.A. § 16-7-40; transporting garbage or waste across state or county boundaries pursuant to contract, O.C.G.A. § 36-1-16; Resource Recovery Development Authorities Law, O.C.G.A. § 36-63-1 et seq.; littering highways; O.C.G.A. § 40-6-249.

Sec. 30-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Commercial solid waste means as the term "commercial purpose" is defined in O.C.G.A. § 16-7-51 and means all types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial wastes.

Disposal facility means as such term is defined in O.C.G.A. § 12-8-22 and means any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

Dump means as such term is defined in O.C.G.A. § 16-7-51 and means to throw, discard, place, deposit, discharge, bury, burn, or dispose of a substance.

Egregious litter means as such term is defined in O.C.G.A. § 16-7-51 and means all litter, as such term is defined in O.C.G.A. § 16-7-42(1), exceeding ten pounds in weight or 15 cubic feet in volume; any discarded or abandoned substance in any weight or volume if biomedical waste, hazardous waste, or a hazardous substance; or any substance or material dumped for commercial purposes.

Household garbage means as such term is defined in O.C.G.A. § 16-7-47(a) and means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as byproducts of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.

Industrial solid waste means as such term is defined in O.C.G.A. § 12-8-22 and means solid waste generated by manufacturing or industrial processes or operations. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. The term "industrial solid" does not include mining waste or oil and gas waste.

Inert waste means wastes that will not or are not likely to cause production of leachate of environmental concern. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. The term "inert waste" excludes industrial and demolition waste not specifically listed.

Litter means as such term is defined in O.C.G.A. § 16-7-42 and means all discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description which are not waste as such term is defined in this chapter.

Municipal solid waste means as such term is defined in O.C.G.A. § 12-8-22 and means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds,

picnic grounds, and day use recreation areas. The term "municipal solid waste" includes yard trimmings and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

Open dump means such term is as defined in section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management and means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment.

Person means as such term is defined in section 391-3-4-.01 of the Georgia Rules for Solid Waste Management and means the State of Georgia or any other state or agency or institution thereof, and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in the state or any other state. The term "person" also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in this state or any other state. The term "person" also includes employees, departments, and agencies of the federal government.

Public or private property means as such term is defined in O.C.G.A. § 16-7-42 and means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests.

Recovered material processing facility means as such term is defined in O.C.G.A. § 12-18-22 and means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. The term "recovered material processing facility" shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recovered materials means as such term is defined in O.C.G.A. § 12-18-22 and means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.

Retail tire dealer means as such term is defined in section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management and means a person actively engaged in the business of selling new replacement tires.

Scrap tire means as such term is defined in section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management and means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

Scrap tire carrier means as such term is defined in section 391-3-4-.01 of the Georgia Rules for Solid Waste Management and means any person engaged in picking up or transporting scrap tires not otherwise exempted in the Georgia Rules for Solid Waste Management for the purpose of removal to a scrap tire processor, end user, or disposal facility.

Scrap tire generator means as such term is defined in section 391-3-4-.19 (2) of the Georgia Rules for Solid Waste Management and means any person who generates scrap tires. Generators may include, but

are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages, service stations, and city, county, and state governments.

Scrap tire processor means as such term is defined in section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management and means any person who is approved by the environmental protection division to receive scrap tires from scrap tire generators or scrap tire carriers for the purpose of scrap tire processing.

Scrap tire sorter means as such term is defined in section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management and means any person, other than the original scrap tire generator, who handles mixed tires by separating used tires and retreadable casings from scrap tires.

Solid waste means as such term is defined in section 391-3-4-.01 of the Georgia Rules for Solid Waste Management means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources

Solid waste handling means as such term is defined in section 391-3-4-.01 of the Georgia Rules for Solid Waste Management and means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

Yard trimmings means as such term is defined in O.C.G.A. § 12-8-22 and means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

(Ord. of 9-7-2004(1), § I)

Sec. 30-2. Waste disposal; general.

(a) It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any officer in the official performance of the duties as provided in this chapter.

(b) The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all litter, waste, scrap tires, and municipal, commercial or industrial solid waste on the premises used or occupied by such person.

(c) It shall be unlawful to dump, open dump, or permit the dumping of litter, waste, scrap tires, municipal, commercial, or industrial solid waste or recyclables at any place in the county, including, and without limitations, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, any public or private property in the county or any waters in the county unless such litter or waste is authorized by the county board of commissioners.

(1) The property is designated by the board of commissioners or its duly designated agent for the disposal of litter, waste, municipal, commercial or industrial solid waste, scrap tires or recovered materials and the person is authorized to use such property;

- (2) The litter, waste, municipal, commercial or industrial solid waste, recyclables or scrap tires is placed into a receptacle or container installed specifically for such property; and
- (3) The property has a valid solid waste handling permit issued by the state environmental protection division (EPD) when required.

(d) All persons defined as scrap tire generators, scrap tire carriers, scrap tire processors, including scrap tire sorters, and retail tire dealers shall be subject to rules as defined in chapter 391-3-4 et seq., of the Georgia Rules for Solid Waste Management and handle scrap tires in accordance with the provisions of O.C.G.A. § 12-8-20 et seq. and the Georgia Rules for Solid Waste Management, chapter 391-3-4 et seq. applicable to solid waste.

(Ord. of 9-7-2004(1), § II)

Sec. 30-3. Handbills, circulars, advertisements.

It shall be unlawful to place, throw down, deposit or leave any circular, dodger, advertising matter, or other written or printed commercial, business or mercantile information, either on paper or other material used for advertising or information purposes, on any of the public areas, roads, rights-of-way, or garbage bin receptacle sites, except within the refuse containers or garbage bins provided for garbage collection, or on any private property located within the county, except with the permission of the owner or legal occupant thereof; provided, however, as to private property, this section shall not apply to the normal and usual delivery of daily newspapers by the carrier thereof.

(Ord. of 9-7-2004(1), § III)

Sec. 30-4. Transporting solid waste and litter.

(a) It shall be unlawful to drive or operate a vehicle in the county hauling hazardous commercial or industrial solid waste that leaks, flows freely or spills from said vehicle.

(b) No person shall drive or move any truck or other vehicle within the county that is not so constructed, loaded, covered, or securely fastened so as to prevent any load, contents, litter, or other such waste or materials from being blown, scattered, leaked, spilt, or in any manner deposited in or upon any highway, road, street, or thoroughfare, including any portion of the right-of-way thereof, sidewalk, other motor vehicles, pedestrians, or other public place, or upon private property within the county. However, this section shall not prohibit the necessary and permitted spreading of any substance in public road maintenance or public road construction operations.

(c) It shall be unlawful for a business or private person engaged in waste hauling or transportation for hire from businesses or private residences to a county landfill or lawfully permitted dump site to dispose of materials as solid waste that have been intentionally sorted as recyclables by the business or private residence rather than placing the materials in the location designated by the county or appropriate authority for said recyclables.

(Ord. of 9-7-2004(1), § IV)

Sec. 30-5. Regulation of all solid waste or litter containers and receptacles.

(a) All solid waste or litter containers or receptacles and their surrounding area shall be maintained in as sanitary a manner as is reasonably possible consistent with its use for solid waste and litter disposal.

(b) Persons using solid waste and litter containers, or receptacles shall deposit only authorized household garbage, authorized solid waste and authorized refuse in the appropriate container or receptacle.

(c) No person shall deposit a scrap tire in any container or receptacle unless authorized by the owner of the receptacle or the county board of commissioners or his designee.

(d) No person shall deposit any burning or smoldering material in such container or receptacle or set fire to the contents of any such container or receptacle.

(e) No person shall deposit large non-compatible articles in containers or receptacles such as, but not limited to, stoves, refrigerators, bedsprings, automobile parts, boat parts, large tree limbs or air conditioning units, except containers or receptacles designated for that purpose only.

(f) No person shall deposit any flammable or explosive materials in any such container or receptacle.

(g) No dead animals shall be deposited in any such container or receptacle, except containers or receptacles, designed for such purpose and so designated by the county board of commissioners.

(h) No person shall willfully damage or alter the location of any such container or receptacle without the written consent of the county board of commissioners.

(i) No salvage or scavenging operations shall be conducted in or around such containers or receptacles except by written consent of the county board of commissioners.

(j) No person shall indiscriminately scatter or disperse the contents of any containers or receptacles.

(k) No person shall deposit solid waste, litter or liquid of any kind at any county solid waste collection and recycling center into county owned receptacles or containers designated for the collection of recovered materials. Only authorized materials such as glass, aluminum, newspaper, cardboard, plastic, and tin or other accepted material may be deposited in the appropriate container designated for said material.

(Ord. of 9-7-2004(1), § V)

Sec. 30-6. Accumulation.

(a) No owner or occupant of any such property shall bury or burn litter or waste without prior authorization and written consent from the applicable regulatory agency, including, but not limited to, the United States Environmental Protection Agency, the state environmental protection division and/or the state forestry commission. Nothing in this provision shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state and/or federal law.

(b) No owner or occupant of any property shall cause, suffer or allow the accumulation, on his premises, of garbage, litter or waste where such material creates or causes a health hazard to neighbors or other citizens, or which is unsightly or emits foul or obnoxious odors.

(c) The conduct described in subsections (a) and (b) of this section shall constitute a separate violation of this chapter for each day the garbage, litter or waste material remains or continues to unlawfully pollute, contaminate or burn on such premises.

(Ord. of 9-7-2004(1), § VI)

Sec. 30-7. Violations and penalties.

(a) Any person, firm, or corporation violating any portion of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, in the county magistrate court, shall be punished according to section 1-12 for the following violations:

- (1) County dumpster/littering violations.
 - a. Retrieving items.
 - b. Allowing child to retrieve items.
 - c. Dumping unauthorized material (building material, stoves, furniture, etc.).
 - d. Use of dumpster by out of county person.
 - e. Dumping garbage on ground.
 - f. Setting fire to dumpster.

In addition to fines, 25 percent mandatory surcharges are added. A person may retrieve their own items; however, they should contact the sheriff's department for assistance in order to prevent injury.

- (2) In the sound discretion of the judge of the court with jurisdiction on any offense, the person may also be directed to pick up and remove from any public street or highway and/or other public right-of-way for a distance not to exceed one mile, any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence (as provided in O.C.G.A. § 16-7-43(b.2)).
- (3) In the sound discretion of the judge of the court with jurisdiction, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence (as provided in O.C.G.A. § 16-7-43(b.3)).

(b) The court may order the person to repair or restore property damaged, or pay damages resulting from such violations, or perform public service related to the repair or restoration of property damaged by the violation (as provided in O.C.G.A. § 16-7-53(d)).

(c) In case of an open dump or improper solid waste, litter or waste disposal site, the property owner, contractor, developer, builder or other person responsible for the property shall cause the property to be cleaned and to come into full compliance with this chapter. The county shall not be responsible for any costs of cleanup or remediation.

(d) The expenses incurred by the county for cleanup, enforcement of violations and penalties shall be chargeable to the violator, including, but not limited to, court costs, filing fees, special investigations, mutual aid assistance from other agencies and other costs necessary for the reasonable enforcement of this chapter.

(e) In addition to actions filed by county for violations of this chapter, any state or federal agency may independently file separate or concurrent charges within their respective applicable authority and seek conviction within a court of competent jurisdiction.

(Ord. of 9-7-2004(1), § VII)

Sec. 30-8. Enforcement.

(a) Enforcement of this chapter shall be the responsibility of the county board of commissioners, the environmental education and enforcement officer or his designee, and/or the county sheriff's office.

(b) Any person authorized to enforce this chapter shall be empowered to enter any property, upon reasonable cause, at reasonable or necessary times in order to properly inspect for violations of this chapter, subject to the condition that to allow entry onto private property for inspection, the alleged violation of this chapter must be visible from a public road or right-of-way, or upon said person having received a valid complaint alleging a violation of this chapter, or by a judge's order upon said person having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur.

(c) Appeals for the violation of this chapter may be made to the county magistrate court, or higher court if the person so chooses. The person always has the right to consult his attorney at any time before the hearing is scheduled for court.

(Ord. of 9-7-2004(1), § VIII)

Sec. 30-9. Civil remedies and abatement of nuisance.

(a) In the event that any person violates any provision of this chapter, the county or other appropriate authority may, in addition to other remedies, institute an action for injunction, cleanup or stop work orders, mandamus, irreversible damage fines, lien on property or other appropriate action or proceeding to prevent such unlawful acts or to correct or abate any such violation (as provided in O.C.G.A. §§ 16-7-52, 16-7-53). In addition, the county may immediately revoke or suspend any and all business, building, development or any and all other county-issued permits related to the property involved with the violation until such time that compliance is met, or until the ruling of a court of competent jurisdiction is obtained, at which time respective permits may be reissued.

(b) Upon finding evidence, a written notice of violation may be issued at the discretion of the enforcing officer in lieu of a citation. In the absence of corrective action or in the event that a second violation occurs, the evidence constituting the notice of violation may be submitted as evidence for consideration as a first offense before a court with competent jurisdiction and the pending case treated as a second offense by the court as defined in section 30-7(a)(2).

(c) If a person is found guilty of a violation of the provisions of this chapter, the court and/or the board of commissioners may cause written notice to be given, or incorporate into the court order to the violator instructing that person to properly address any provision still remaining in violation of this chapter for which said violator is convicted. Such notice shall be by personal service and in the event the violator cannot be so served, then by registered mail sent to the violator's last-known address.

(d) Upon failure, neglect or refusal of any person so notified to properly address said provisions within 20 days after receipt of notice as provided in this section, the board of commissioners is hereby authorized and empowered to cause the cleanup, removal or disposal of, including, but not limited to, any litter, or any type of waste as defined in this chapter, dumped, deposited, thrown, or left on public or private property in violation of the chapter on behalf of the county. The expenses incurred by the county shall be chargeable to the violator. The board of commissioners and/or the court shall send a statement of the amount due for said expenses by registered mail.

(e) When the full amount of such charges is not paid by the violator within 30 days after receipt of said statement as provided for in this section, the board of commissioners shall cause to be recorded in the execution docket a sworn statement showing the cost and expense incurred by the county, the dates of county action, the location of the property for which action was taken, and the name of the person to be charged for the expenses incurred. The recordation of such statement shall constitute a lien on the personal and real property of the person to be charged and shall remain in full force and effect until final payment is received in full, including accrued interest from the date of recording and any and all costs. Such amount as shall constitute final payment shall be subject to collection in the manner fixed by law for the collection of taxes.

(f) This section shall apply with full force and effect regardless of the provisions of any order of the court in which the violator was convicted. This section should not be construed as an excuse for failure on the part of the violator to perform any cleanup ordered by the court, nor shall it be considered as a mitigating factor in any contempt action against a violator who has failed to obey the order of the court. (Ord. of 9-7-2004(1), § IX)

Sec. 30-10. Evidence of violations.

(a) Whenever litter, or any type of waste as defined in this chapter, is thrown, deposited, dropped, or dumped by any person or from any motor vehicle, boat, airplane, or other conveyance in violation of this chapter, it shall be prima facie evidence that said person or the operator of the conveyance has violated this chapter.

(b) Whenever any litter, or any type of waste as defined in this chapter, which is dumped, deposited, thrown, or left on public or private property in violation of the chapter is discovered to contain any article, including, but not limited to, letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this chapter. (Ord. of 9-7-2004(1), § X)

Sec. 30-11. Yard trimmings.

Yard trimmings shall not be placed in or mixed with solid waste. Yard trimmings shall not be disposed at any solid waste disposal facility having liners and leachate collection systems or requiring vertical expansion within the county. Yard trimmings shall be sorted and stockpiled or chipped, composted, used

as mulch or otherwise beneficially reused or recycled to the maximum extent feasible. Any yard trimmings to be collected by any entity other than the property owner shall be sorted and stored in such a manner as to facilitate collection, composting, or other handling.

(Ord. of 9-7-2004(1), § XI)

Sec. 30-12. Recycling.

The county board of commissioners hereby finds that it is in the best interest of citizens of the county, in order to promote the health, safety, and welfare of the citizens of the county, to recycle as many waste materials as possible in order to reduce the accumulation of litter and garbage and solid waste materials which must be properly disposed of; therefore, it is the policy of the county board of commissioners to encourage recycling whenever practicable.

(Ord. of 9-7-2004(1), § XII)

Chapter 31

RESERVED

Chapter 32

TAXATION*

- Sec. 32-1. Acceptance of checks.
- Sec. 32-2. Freeport amendment.

***State law references**—Taxation power of county governments, Ga. Const. art. IX, § IV, ¶ I(a) and (b)(2); county taxation, O.C.G.A. § 48-5-220.

Sec. 32-1. Acceptance of checks.

The board of commissioners authorizes the county tax commissioner to accept personal checks for payment of ad valorem taxes excepting as to payments made within five days of any tax sale or satisfaction of obligation on which legal action has been taken. The board of commissioners directs the county tax commissioner to use reasonable discretion regarding the acceptance of checks so as to prevent loss or cost to the county. Further, the county tax commissioner shall notify the board of commissioners in writing within 30 days of any check that is dishonored.

(Code 1994, § 48-1; Res. of 8-20-1991)

Sec. 32-2. Freeport amendment.

The board of commissioners does hereby implement and permit exemption from ad valorem taxation 80 percent of the value of all tangible personal property as defined within O.C.G.A. § 48-5-48.2, that is subject to exemption (being an additional exemption of 20 percent from the existing level).

(Code 1994, § 48-2; Res. of 11-19-1996)

Chapter 33

RESERVED

Chapter 34

TRAFFIC AND VEHICLES*

Sec. 34-1. Uniform rules of the road adopted.

***State law references**—Authority to provide devices to control the flow of traffic, Ga. Const. art. IX, § II, ¶ III(a)(4); Uniform Rules of the Road, O.C.G.A. § 40-6-1 et seq.; power of local authorities generally, O.C.G.A. § 40-6-371; adoption of uniform rules of the road by local authorities, O.C.G.A. § 40-6-372; prosecution of traffic offenses, O.C.G.A. § 40-13-1 et seq.

Sec. 34-1. Uniform rules of the road adopted.

(a) Pursuant to title 40, ch. 6, O.C.G.A. §§ 40-6-372 through 40-6-376, and O.C.G.A. §§ 40-6-2 to 40-6-395 of that chapter known as the Uniform Rules of the Road and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of this county with like effect as if recited herein.

(b) Unless another penalty is expressly provided by state law, every person convicted of a violation of any provision of this chapter shall be punished in accordance with section 1-12.

(Code 1994, § 52-1)

State law reference—Alteration of speed limits by local authorities, O.C.G.A. § 40-6-183.

Appendix A

LAND DEVELOPMENT REGULATIONS*

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***Editor's note**—Printed herein are the Land Development Regulations of Grady County, Georgia, as adopted by the Board of Commissioners on April 14, 2009. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets [].

State law references—Authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV; Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.

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ARTICLE I. GENERAL PROVISIONS**1-1. Short title.**

These Regulations shall be known and may be cited as the Land Development Regulations of Grady County, Georgia.

1-2. Authority.

These Regulations are adopted under authority of Article IX, Section 4[IV,] Paragraph 2[II], of the Constitution of the State of Georgia.

1-3. Jurisdiction.

These Regulations shall govern all division, subdivision or resubdivision of land within the unincorporated portions of Grady County.

1-4. Purpose and intent.

The purpose of these Regulations shall be to promote public health, safety, morals and general welfare requiring the harmonious, orderly and progressive development of land within Grady County, Georgia. In the furtherance of this goal, these regulations are adopted for the following purposes:

- a. To protect the county's rural economic base by preserving prime forest and prime agricultural land.
- b. To encourage the development of economically sound and stable communities.
- c. To ensure the provision of required roads, streets, utilities, and other facilities and services to new land development.
- d. To ensure the adequate provision of safe and convenient traffic access and circulation in new land developments.
- e. To ensure the provision of needed public open space and building sites and new land developments through the dedication and/or reservation of land for recreation, education and other public purposes.
- f. To ensure, in general, the wise development of new areas in harmony with the Grady County Comprehensive Land Use Plan.

ARTICLE II. DEFINITIONS**2-1. Definitions.**

For the purpose of these Regulations, the following words, terms, phrases shall have the meaning given in this section. Words used in the present tense include the future; words used in the singular include the plural; words used in the plural include the singular. The word "shall" is always mandatory, while the

word "may" is discretionary. The interpretation of the County Commission shall be final as to the meaning of any definition, statement, requirement, symbol, and/or abbreviation used in connection with these Regulations and/or application thereof.

a. *Agent, Authorized.* A person in whom the owner of a property authorizes to develop or record his property.

b. *Agent Reviewing.* Individual or officer authorized in these regulations to review plats as stipulated in the review process.

c. *Building Setback Line (minimum).* A line beyond which no foundation, wall or part of the structure of any building shall project. With the exception of roof overhang, and the subsurface portion of footings, provided, however, that such overhang and footings do not encroach upon the adjacent property or right-of-way.

d. *County Administrator.* The official who is employed by the county for the purpose of directing county operations.

e. *Construction Standards.* The current edition of printed specifications and standard drawings governing construction within the County. (See [Section 14-1 of this] Appendix.)

f. *Community Water System.* A public water system, which serves at least 15 service connections, used by yearround residents or regularly serves at least 25 yearround residents.

g. *Comprehensive Land Use Plan.* The land use plan of Grady County developed in accordance with the Georgia Planning Act of 1989, which may include a thoroughfare plan, general land use plan, street and road classification plan and other maps, data and descriptive matter for the physical planned development of the County or any portion thereof, including any amendments, extensions or additions thereto.

h. *Easement.* A grant by the owner of land for the use of such land for a specific purpose or purposes. For a Court ordered easements see Article IX, variance procedures.

i. *Flood Hazard Area.* The channel and relatively flat area adjoining the channel of a natural stream, river, or body of water subject to flooding during major storm events. Specifically, such designation shall refer to 1) those areas within the County identified by the Federal Emergency Management Agency (FEMA) as being subject to flooding and delineated on the Flood Hazard Boundary Maps or Flood Insurance Rate maps, or 2) particular areas of the County which, based on actual observation of flooding or engineering studies, have been designated as local flood hazard areas by the Board of Commissioners.

j. *Floodways.* The natural channel and the portion of the floodplain along the channel which must be retained solely for the passage of floodwaters to prevent an increase in flood heights upstream. Water travels at a high velocity in the floodway.

k. *Land Disturbing Activity.* Any land change which may result in soil erosion from water or wind and the movements of sediments into State waters, or onto lands within the State, including, but not limited to, clearing, dredging, grading, excavating, transportation and filling of land.

l. *Lot*. An undivided portion of land, which is designated as a distinct and separate tract, and identified by a tract number, or lot number on an approved plat, properly recorded which is or may in the future be offered for sale, conveyance, transfer, or improvement.

m. *Lot, Flag*. A lot having very narrow frontage on a public road. Flag lots are not allowed in major subdivisions. The minimum road frontage requirement is thirty (30) feet on a flag lot.

n. *Lot, Line*. A line of record bounding a lot that divided one lot from another lot or from a public or private street or any public space.

o. *Lot Width*. The horizontal distance between the sidelines of a lot measured at right angles to its depth along a straight line parallel to the front lot line.

p. *Original Parent Tract*. A unit of land, which the owner holds under single or unified ownership, or the owner holds a controlling interest on the effective date of this ordinance, where all land abutting said tract is separately owned by others not related to or associated by business partnerships with the owner.

q. *Planning Commission*. Grady County Planning Commission appointed by the Grady County Board of Commissioners. The Grady County Planning Commission shall be appointed by the Grady County Board of Commissioners and shall have such specific powers and authorities as the Grady County Board of Commissioners shall declare by resolution and are contained within the Code of Ordinances. The Board of Commissioners reserves the right to expand or diminish the duties, rights and responsibilities of the Planning Commission hereunder by resolution. The Grady County Board of Commissioners shall serve, as the Grady County Planning Commission under this Ordinance if the Planning Commission shall fail to act or for any reason shall become inactive.

r. *Planned Unit Development (PUD)*. A large single parcel of land planned to include open space and a variety of housing types, which would also permit other land uses, including multifamily structures, churches, schools and commercial activities.

s. *Point of Beginning (POB)*. A real identifiable point on the subject boundary.

t. *Point of Commencement (POC)*. A real identifiable point not located on the subject boundary.

u. *Remaining Acreage*. The residual un-platted land remaining after division of an original parent tract into lots. Said remaining acreage is not an approved lot and is not part of a newly created subdivision. Furthermore, remaining acreage must meet current Grady County Health Department standards or be served by public or community sanitary sewer and water, before being developed.

v. *Soil Erosion and Sedimentation Plan*. A plan for the control of soil and erosion and sediment resulting from a land disturbing activity mandated by the Georgia Erosion and Sedimentation Control Act.

w. *Subdivider*. Any firm, person, corporation, association, or partnership, or any agency thereof, who undertakes, or proposes to undertake the subdivision of land, so as to constitute a subdivision, as herein defined.

x. *Subdivision*. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision.

y. *Subdivision, Administrative.* The division of a tract of land, by a particular owner, into not more than four (4) lots, for which there are no roadway, drainage, or other required improvements; where each lot has frontage on a maintained public street; where there is adequate provision for potable water supply and wastewater management for each lot; and where the resultant lots comply with the standards of these regulations.

z. *Subdivision, Exempt.* Any division of land that is exempt from all or part of these regulations; refer to [Section] 3-18 [of this Appendix] for details.

aa. *Subdivision, Family.* A subdivision approved for an immediate member of a particular family. Immediate family is defined as grandparent, parent including stepparent, grandchild, brother, sister, spouse, and child including stepchild.

bb. *Subdivision, Minor.* The division of a tract of land into more than four (4) lots (meets the Grady County Health Department's Rules and Regulations for on Site Sewage Management Systems Chapter 290-5-26) for which there are no roadway, drainage or other required improvements; where each lot has frontage on a maintained public street, where there is adequate provision for potable water supply and wastewater management for each lot; and where the resultant lots comply with standards of these regulations.

cc. *Subdivision, Major.* The division of a tract of land for which there are drainage or other improvements required; where roadway construction by the owner is necessary to provide frontage to each lot; where there is adequate provision for potable water supply and wastewater management for each lot; and where the resultant lots comply with the standards of the regulation.

dd. *Street* means a public right-of-way dedicated for vehicular traffic by the general public whether designated as a highway, street, road, avenue, lane, or circle.

1. *Major Streets and Highways* are those, which are used primarily for fast or heavy traffic and include all Federal and State roads.
2. *Collector or Feeder Streets* are those which carry traffic from minor or access street to the major system of arterial streets and highways and promise a traffic potential greater than that of minor streets.
3. *Residential Streets* are those which are used primarily for access to the abutting properties.
4. *Cul-de-Sacs* are short, minor streets with only one end open to vehicular traffic and being permanently terminated at the other end by a vehicle turnaround.
5. *Marginal Access Streets* are minor streets which are generally parallel and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
6. *Alleys or Service Drives* are minor ways, which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

ARTICLE III. GENERAL REQUIREMENTS AND STANDARDS**3-1. Conformance to standards.**

All roads, streets, and/or alleys that are to be used by the general public shall be constructed in accordance with the standards fixed by these Regulations.

3-2. Plats required.

No person shall divide land within Grady County before filing a preliminary and/or final plat that meets the requirements of these regulations as well as those of the Georgia Plat Act (O.C.G.A. § 15-6-67). The Grady County Planning Commission and/or Board of Commissioners must approve all plats, except administrative subdivision plats, and those recorded at the request of the owner as not an approved building lot.

3-3. Recording of plats.

All subdivision final plats shall be recorded in the office of the Clerk of Superior court, by the Code Enforcement Official or an authorized agent thereof, within ten (10) working days of their approval.

No subdivision plat shall be submitted for recording to the Clerk of Superior Court unless it bears the appropriate stamps and signatures as required by the regulations.

3-4. Street, easement acceptance.

The acceptance, approval and certification of any public street or private drive shall be the exclusive authority of the Grady County Board of Commissioners. A plat shall not be approved for recording or development unless the public streets and private drives thereon were previously accepted, approved and certified by the County Board of Commissioners.

3-5. Public street access.

No building shall be erected on any lot within Grady County unless the street giving access thereto has been accepted as a public street or unless such street has obtained the status of a public street prior to March 1, 1988 excepting that a building may be erected on a lot having access to a private road if the said private road has been approved by the Board of Commissioners.

All lots which have ingress/egress from a public road must be located and have adequate separations to provide for safety and proper maintenance.

3-6. Lot, flag.

Flag lots are not allowed in major subdivisions. They are allowed otherwise providing the required frontage on a public road is thirty (30) feet. The minimum width of a flag lot shall be one hundred and fifty (150) feet at the actual building setback line.

3-7. Lot frontage/access.

The lot frontage/access requirement for each type of subdivision is listed below:

- a. Administrative subdivisions require a minimum of thirty (30) foot frontage on a public street;
- b. Minor subdivisions require a minimum thirty (30) foot frontage on a public street;
- c. Major subdivisions require a minimum of one-hundred and fifty (150) foot frontage on a public street;
- d. Family subdivisions require a minimum of thirty (30) foot frontage on an easement or public a street;
- e. Exempt non approved building subdivisions require a minimum of thirty (30) foot frontage on an easement to a street;
- f. Exempt building lots five (5) or more acres subdivisions require a minimum of thirty (30) foot frontage on a street.

3-8. Lot elevation.

The building shall have a minimum elevation of two (2) feet above the one hundred (100) year flood stage of streams in the particular area being developed based on acceptable engineering procedure and approved by the Code Enforcement Officer. Sufficient elevation for individual sewage disposal systems at/or at a higher elevation than the building elevation may be required by the Grady County Health Department.

3-9. Lot size.

All lots, not served by public or community sanitary sewer and water, must meet current Health Department Standards for minimum lot size of one (1) acre and other lot standard requirements. Except a subdivision with a septic tank and a DNR permitted and bonded community water system may have lots sized at $\frac{3}{4}$ acre or more. This includes all subdivisions.

3-10. Lot width.

Per Health Department requirements PART VII section 7.03 Minimum widths of lots at the location of the absorption field shall be one-hundred feet (100 ft) for lots with DNR approved community water and one-hundred fifty feet (150 ft) for lots not served by DNR approved community water. For lot frontage/access see [Section] 3-7 [of this Appendix].

3-11. Corner lots.

Corner lots for residential use shall have extra width to permit an appropriate building setback of thirty-five (35) feet on both streets.

3-12. Double frontage lot.

A lot other than a corner lot which abuts two streets. Lots in a major, minor, private subdivision having residential frontage to the front and rear shall be prohibited except where it is essential to provide separation of residential development from railroad or major and secondary arterial rights-of-way.

Where a railroad or major arterial abuts or runs through any portion of the subdivision, the subdivision plan shall provide that each lot backing on said railroad or arterial right-of-way shall have an average minimum depth of one hundred seventy (170) feet with neither side yard line being less than one hundred twenty (120) feet which shall include a twenty (20) foot planted buffer strip separating the lots from the right-of-way.

3-13. Screening.

A planting screen easement buffer of appropriate size and location may be required by the Planning Commission to separate incompatible types of land use.

3-14. Setbacks.

The minimum building setback line shall be no closer than thirty-five (35) feet from an existing or proposed right-of-way. The minimum depth of building setback lines for commercial and/or industrial lots shall be sufficient to provide two (2) rows of off-street parking space. See [Section 14-1 of this Appendix] for illustration.

3-15. Suitability of land.

Land which is determined by the reviewing agents to be unsuitable for subdivision development due to flooding, improper drainage, topography, utility easement or other features shall not be subdivided unless adequate provisions are made for the development.

3-16. Building and lot sales.

No buildings on lots or sale of lots shall take place before final plat approval and the certified plat is recorded.

3-17. Re-subdivision.

Parcels of land which have been subdivided may not be re-divided into smaller than five (5) acre tracts within two (2) years unless such divisions comply with the Grady County Health Department's Regulations for subdivisions and Grady County's Land Use Regulations for minor or major subdivisions. A change in ownership does not exempt from this provision.

3-18. Exemptions.

Certain plats and subdivisions are exempt from all or part of these regulations as described below. It is the responsibility of the Board of Commissioners or its designee to review all plats to determine the exemption that applies in each case:

- a. Any division of land not intended for building sites for residential, commercial, industrial or public uses is exempt from these regulations except frontage and access requirements are met as provided herein. If the plat is exempt for this reason, the following stamp will be applied:

EXEMPT PLAT

NON-APPROVED BUILDING LOTS

This plat is exempt from the Land Development Regulations of Grady County. The lots shown on this plat are not approved as building lots.

Date:_____ Owner:_____

Chairman, Grady County Board of Commis- Date
sioners

- b. Any division of land of one (1) or more lots, where all lots resulting are five (5) acres or larger in area and street frontage and access requirements are met is exempt. Following review and approval by the Grady County Board of Health, the plat shall be submitted to the Board of Commissioners for review. If the plat is exempt, the following stamp will be applied:

EXEMPT PLAT

BUILDING LOTS APPROVED

ALL LOTS FIVE OR MORE ACRES

This plat is exempt from the Land Development Regulations of Grady County. The lots shown on this plat have been inspected by the Board of Health for on-site potable water supply and sewage disposal systems and are approved as building lots.

Date:_____ Owner:_____

Chairman, Grady County Board of Commis- Date
sioners

- c. The division of property, for the purpose of conveyance by gift of the property from the owner to a member of the immediate family, is exempt from these regulations, with the exception of [Section] 3.7d [of this Appendix]. Immediate family is defined as grandparent, parent including stepparent, grandchild, brother, sister, spouse, child including stepchild. The plat shall be submitted to the Board of Commissioners for review. If the plat is exempt, the following stamp will be applied:

FAMILY SUBDIVISION

NON-APPROVED BUILDING LOT

This lot has not been approved as a building lot.

Date:_____ Owner:_____

Chairman, Grady County Board of Commis-
sioners

Date

In order to convert a platted Family Subdivision lot to an approved building lot, a valid on-site sewage management system permit issued by the Grady County Board of Health must be provided to the Grady County Code Enforcement Director.

3-19. Subdivision, driveway.

Superintendent of the Road Department must approve any and all pipe to be installed i.e., size, type and locations before pipe is installed on county right-of-way. Subdivision developers are to be responsible for all driveway installations in a Minor and Major Subdivision. Developer cannot purchase pipe from county. County does not install pipe for the developer of a Minor and Major Subdivision. The property owner will be responsible for upkeep and repair of driveway henceforth.

3-20. Community water system.

The county must receive a water source approval from DNR The well must be bonded, in the amount as set by the board of commissioners or their designated agent, until a permit has been issued by DNR (see definition of community water system).

ARTICLE IV. ADMINISTRATIVE SUBDIVISION FILING AND PLATTING REQUIREMENTS, REVIEW PROCEDURES

4-1. Filing.

Where an administrative subdivision is proposed, the owner or his agent shall file with the Board of Commissioners or its designee an application for plat approval.

4-1[(a)]. Monuments.

The owner shall provide and set a minimum of $\frac{3}{8}$ inches rebar with a minimum of 18 inches long, and identifiable cap stamped with the land surveyor's registration number. The top of each monument shall be set at each street corner and lot corner and at all points where the street lines intersect the exterior boundary of the subdivision, at points of curvature in each street and at every exterior corner or point of curvature of the exterior boundary, except where such corners lie within a stream meander, in which case reference monuments shall be placed on the bank of the stream. The top of the monument shall be marked in such a manner that will be properly and accurately identify the location. In situations where an 18 inches rebar cannot be set, at the terminus point of a line, alternative monumentation may be placed using professional judgment.

4-2. Fees.

At the time of filing, the applicant shall pay a fee in accordance with Grady County requirements.

4-3. Application requirements.

The application shall contain the following:

- a. The name, address, and phone number of the owner, or agent and a declaration of ownership.
- b. A clean, reproducible original and five (5) copies.

4-4. Plat requirements.

An administrative subdivision plat shall contain the following:

- a. Point of Commencement, point of beginning including all dimensions, angles, bearings, and similar data necessary for proper location.
- b. Tract boundary lines; right-of-way lines of roads, streets, easements and other rights-of-way; and property lines with accurate dimensions, bearings or deflection angles, with curves noted by arc length, radii, chord bearing and distance of all curves.
- c. Names of each street, road or other right-of-way.
- d. Location, dimensions and purpose of any easements.
- e. Number to identify each lot.
- f. Minimum building setback line of thirty-five (35) feet on all lots measured from the right-of-way. (See also flag lots [Section] 3-6 [of this Appendix].)
- g. Location and description of all monuments.
- h. Names of owners with deed book and page number of adjoining land and reference to recorded subdivision plats of adjoining platted land by recorded names, date, and number.
- i. Certification by registered surveyor stating the accuracy of survey and plat.
- j. Numerical scale, graphic scale, north arrow, date, total acreage of original parcel and the acreage of each lot after subdivision, and remaining acreage.
- k. A vicinity map, shown either as an insert or on a separate sheet, at a scale of not less than one (1) inch equals one (1) mile showing the location of the proposed subdivision.
- l. A statement shall be entered directly on the plat noting any private covenant or deed restrictions.
- m. Declaration of land ownership. (See [Section] 6-7 [of this Appendix], item k.)
- n. Lot Frontage/Access a minimum of thirty (30) foot frontage on a public street.
- o. Lot size. (See [Section] 3-9 [of this Appendix].)
- p. Lot width. (See [Section] 3-10 [of this Appendix].)
- q. Monumentation. (See [Section] 4-1A [of this Appendix].)

4-5. Review and approvals.

The review and approval of administrative subdivisions shall be conducted as follows:

- a. Copies of the application, plats and private covenants shall be distributed to the Grady County Health Department, and the Grady County Code Enforcement Officer, and the County Road Superintendent or their designees for their review and recommendation.
- b. The reviewing agents designated herein shall complete a review within ten (10) workdays from receipt of the application, covenants and plats and recommend approval or disapproval.
- c. If one (1) or more of the reviewing agents shall recommend disapproval, the plat and application shall be deemed disapproved and shall be returned with comments to the owner/agent.
- d. If one or more of the reviewing agents shall fail to complete review within ten (10) workdays, the owner/agent may demand the return of his application, covenants and plats and may submit directly to the Grady County board of Commissioners for review and approval or disapproval.
- e. Upon the recommendation to approve by the Grady County Environmental Health Specialist, the County Code Enforcement Director and the County Road Superintendent or their designees, the plat shall be deemed approved and shall be signed by the Executive Secretary of the Planning Commission and the County Environmental Health Specialist. If disapproved, the application, covenants and plats shall be returned to the owner/agent with comments.

4-6. Certificate of approval.

Upon plat approval the Executive Secretary of the Planning Commission and the Environmental Health Specialist shall sign the following inscription inscribed on the plat by the applicant. The review and approval of administrative subdivisions shall be conducted as follows:

ADMINISTRATIVE SUBDIVISION PLAT

Pursuant to the Land Development Regulations of Grady County, Georgia, all requirements of approval having been fulfilled, this plat is approved by the Grady County Code Enforcement Director.

Date

Executive Secretary, Planning Commission

4-7. Certificate of approval, Grady County health department.**GRADY COUNTY HEALTH DEPARTMENT**

Site inspected and approved for the installation of individual water supply and/or sewer management systems. Plot plans must be submitted and approved and appropriate permits obtained prior to any construction. Final approval will be give[n] only if the Grady County Health Department's procedures and regulations are followed.

Date

Environmental Health Specialist

ARTICLE V. MINOR SUBDIVISION FILING AND PLATTING REQUIREMENTS, REVIEW PROCEDURES

5-1. General.

The owner or his authorized agent shall provide public improvements as required by these regulations and by applicable county specifications and requirements, however, nothing herein shall prohibit the County, at its option and in the best interest of the County, from participating in the provision of public improvements in accordance with applicable county policy and codes.

5-2. Pre-development review.

The property owner or agent shall schedule a pre-development review with the Code Enforcement Office to discuss the project and obtain advice on pertinent regulations.

5-3. Filing.

Where a minor subdivision is proposed, the owner or his agent shall file (15 working days prior to Planning Commission meeting) with the Code Enforcement Director or its designee the proposed plat and application for plat approval.

5-4. Monuments.

The owner shall provide and set a minimum of $\frac{5}{8}$ inches rebar with a minimum of 18 inches long, and identifiable cap stamped with the land surveyor's registration number. The top of each monument shall be set at each street corner and lot corner and at all points where the street lines intersect the exterior boundary of the subdivision, at points of curvature in each street and at every exterior corner or point of curvature of the exterior boundary, except where such corners lie within a stream meander, in which case reference monuments shall be placed on the bank of the stream. The top of the monument shall be marked in such a manner that will be properly and accurately identify the location. In situations where an 18 inches rebar cannot be set, at the terminus point of a line, alternative monumentation may be placed using professional judgment.

5-5. Fees.

At the time of filing, the applicant shall pay a fee in accordance with County requirements.

5-6. Application requirements.

The application shall contain the following:

- a. The name, address, and phone number of the owner and a declaration of ownership.
- b. The name of the subdivision or identifying title.

- c. A certified copy of all private covenants or deed restrictions, if any, pertaining to land within the subdivision.
- d. A clean, reproducible original and nine (9) copies size 18 inches by 24 inches.
- e. If the proposed water/sewage system for a subdivision requires the approval of the Georgia Department of Human Resources and/or the Georgia Department of Natural Resources, the approval shall be obtained prior to making application for approval of the final plat. The approval shall be in writing to the Planning Commission.

5-7. Plat requirements.

The lot split or informal subdivision plat shall contain the following:

- a. The name of the subdivision or identifying title and total acres.
- b. Point of Commencement, point of beginning including all dimensions, angles, bearings, and similar data necessary for proper location.
- c. Tract boundary lines, right-of-way lines of roads, streets, easements and other rights-of-way; and property lines with accurate dimensions, bearings or deflection angles, with curves noted by arc length, radii, chord bearing and distance of all curves.
- d. Names of each street, road or other right-of-way.
- e. Location, dimensions and purpose of any easements.
- f. Number to identify each lot. (Lots shall be numbered consecutively throughout the entire subdivision.)
- g. Minimum building setback line of thirty-five (35) feet on all lots measured from the right-of-way. (See also flag lots. [Section] 3-6 [of this Appendix].)
- h. Location and description of all monuments.
- i. Names of owners with deed book and page number of adjoining land and reference to recorded subdivision plats of adjoining platted land by recorded names, date, and number.
- j. Certification by registered surveyor to accuracy of survey and plat.
- k. Numerical scale, graphic scale, north arrow, date, total acreage of original parcel and the acreage of each lot after subdivision and remaining acreage.
- l. A vicinity map, shown either as an insert or on a separate sheet, at a scale of not less than one (1) inch equals one (1) mile showing the location of the proposed subdivision.
- m. If required, a land disturbing permit and an approved Soil Erosion and Sedimentation plan as required by the Georgia Soil Erosion and Sedimentation Act must be submitted prior to plat approval.
- n. Identification of Flood Hazard Boundary areas, community ID number, panel number and zone designation.

- o. Topographic map, soil characteristic map, and erosion control map shall be superimposed on a separate plan with lot lines and lot numbers shown.

Topographic maps of all land subdivided, with scale and contour interval as required by the County Health Department. All elevations shall be based on sea level datum.

Soil characteristics map, including soil types and capabilities, frequency and evaluations of season high ground water tables, occurrence of rock, and other impervious strata where the subdivision is not to be served by a public or community sewerage system.

- p. A statement shall be entered on the plat either noting any private covenants or deed restrictions.
- q. Location of all water supplies on or off the subdivision which will bear upon the location of the on-site sewage management systems.
- r. Lot Frontage/Access a minimum of thirty (30) foot frontage on a public street.
- s. Lot size. (See [Section] 3-9 [of this Appendix].)
- t. Lot width. (See [Section] 3-10 [of this Appendix].)

5-8. Review and approvals.

The review and approval of minor subdivisions shall be conducted as follows:

- a. Copies of the plats (18 inches by 24 inches) shall be distributed to the Grady County Health Department, the Grady County Road Superintendent, and the Grady County Code Enforcement Director or their designees for their review and recommendation. All plat requirements in section 5-7 [of this Appendix] shall be completed before an application for plat approval shall be received.
- b. With the recommendation to approve by the County Health Department, the County Road Superintendent, and the County Code Enforcement Director, the proposed plat shall be presented to the Planning Commission for its review.
- c. The Planning Commission shall approve or disapprove the proposed plat within thirty (30) days after the date of the scheduled regular Planning Commission meeting following submission of the plat. If after thirty (30) days the Planning Commission has failed to act, the minor subdivision plat shall be deemed approved and on demand the plat shall be signed by the Chairman of the Planning Commission, provided the owner or his agent may waive in writing this requirement and consent to an extension of such period. If the Planning Commission disapproves the plat, the reasons shall be stated in writing and the owner or his designated agent shall be so advised.

5-9. Planning commission certificate.

Upon approval the Chairman of the Planning Commission shall cause the following inscription to be affixed to the plat:

MINOR SUBDIVISION PLAT APPROVAL

Pursuant to the Land Development Regulations Grady County, Georgia, all requirements of approval having been fulfilled, this plat was approved by the Grady County Planning Commission on _____.

Date

Chairman, Grady County Planning Commission Date

ARTICLE VI. MAJOR SUBDIVISION FILING AND PLATTING REQUIREMENTS, REVIEW PROCEDURES

6-1. Pre-development review.

Prior to the filing of an application for preliminary plat approval, the owner/agent shall consult with the Grady County Code Enforcement Office and other appropriate county departments for the purpose of facilitating the review process.

- a. *Sketch Plan.* It is also recommended that a sketch plan of the proposed development be submitted by the owner/agent for review at this time. The sketch plan should contain the following data which may be obtained from base maps available at the County Administrator's Office, the County Tax Assessor's Office, the Southwest Georgia RDC or other agencies.
 1. Approximate tract boundaries and total acreage;
 2. Approximate location with respect to land lot lines;
 3. Streets on and adjacent to the tract;
 4. Proposed general street layout;
 5. Significant topographic, physical and historic features;
 6. Soil map;
 7. Generalized existing vegetation; and
 8. Proposed general lot layout and total number of lots.
- b. *Sketch Plan Review.* As far as may be practicable on the basis of a sketch, the Planning Commission or designated staff will, without prejudice to the County, advise the owner/agent, within fifteen (15) working days of the extent to which the proposed subdivision conforms to the standards of these regulations and other applicable ordinances or statutes, and will advise what additional documents, possible plan modifications, etc., must be submitted and what review procedures must be undergone in order to obtain final plat approval.

6-2. Preliminary plat procedure.

Any person desiring to subdivide land shall file with the office of the Grady County Code Enforcement Director appropriate copies of the preliminary plat which will be accompanied by a formal application for distribution to appropriate department/agencies. The plat shall be prepared in accordance with these Regulations and to county specifications by a registered engineer, surveyor, and/or architect who are licensed under the laws of the State of Georgia.

- a. *Filing.* The preliminary plat shall be deemed filed with the Grady County Planning Commission when it is filed with the Grady County Code Enforcement Office. The preliminary plat shall be filed 15 working days prior to the next scheduled Planning Commission meeting.
- b. *Fees.* At the time of filling the application for preliminary plat approval, the applicant shall pay a fee in accordance with county requirements.
- c. *Application Requirements.* The application shall contain:
 1. A statement shall be entered directly on the plat noting any private covenant or deed restrictions.
 2. A copy of the agreement between the subdivider and any other political jurisdiction, if any, regarding the arrangements for providing the necessary water and sewer facilities.
 3. Nine (9) prints.
 4. Design and calculations for the storm water drainage system, including elevations and capacities of pipes and holding basins.
 5. If the proposed water/sewage system for a subdivision requires the approval of the Georgia Department of Human Resources and/or the Georgia Department of Natural Resources, the approval shall be obtained prior to making application for approval of the final plat. The approval shall be in writing to the Planning Commission.
- d. *Distribution and Review.* Copies of the preliminary plat shall be distributed by the Grady County Code Enforcement Office to the Health Department, the Road Superintendent, the Planning Commission, appropriate county department heads, and the Southwest Georgia RDC for review and recommendation to the Planning Commission. Prior to the Planning Commission meeting, the Code Enforcement Officer shall submit, in writing, copies of their recommendations to the Grady County Planning Commission. Recommendations from other agencies and departments may also be submitted.
- e. *Approval by the Planning Commission.* Approval or disapproval of the preliminary plat by the Planning Commission shall be accomplished within thirty (30) days after the date of the scheduled regular Planning Commission meeting following submission of the application. If, after the thirty (30) days, the Planning Commission has failed to act, the preliminary plat shall be deemed approved and on demand, a copy shall be signed for transmission to the County Commission, provided, that the subdivider may waive in writing this requirement and consent to an extension of such period. If the Planning Commission disapproves the preliminary plat, the reasons shall be stated in the resolution and the subdivider shall be so advised.

- f. *Approval by the Board of Commissioners.* If the Planning Commission shall approve the preliminary plat, the preliminary plat shall be submitted to the Grady County Board of Commissioners for review. The Grady County Board of Commissioners shall act upon the preliminary plat within twenty (20) days after receipt of the preliminary plat, the reasons shall be stated in the resolution and the subdivider shall be so advised.
- g. *Soil Erosion and Sedimentation Plan Approval Required.* The applicant, for a major plat approval, is encouraged to meet with the Natural Resource Conservation Service (NRCS), Flint River District, with a rough draft or sketch plan of the proposed subdivision prior to submitting an application and preliminary plat. Although this step is not a requirement, it is helpful to aid these officials in advising the developer if a Soil and Sedimentation Control Plan is necessary. If a proposed new subdivision will have new roads, drainage improvements or entails a significant amount of land disturbing activity, the developer must submit an NRCS approved Soil and Erosion Control Plan prior to preliminary plat approval.

The Grady County Board of Commissioners, Code Enforcement Department administers the requirements of the Georgia Soil Erosion and Sedimentation Act in Grady County. Developers requiring a permit and plan approval shall make application at the Grady Code Enforcement Department office. The Department of Natural Resources sends the plans to the Flint River SCS Office for review and then will approve or recommend modifications to the plan submitted. This process can take up to forty-five (45) days.

Four (4) copies of the approved Soil Erosion and Sedimentation Plan, as well as a Land Disturbing Permit application will need to be delivered to the Grady County Code Enforcement Office to be dispensed to the Health Department, Road Superintendent, Building Official, and Planning Commission for review.

No land disturbing activity, i.e., road building, land clearing, drainage installation, etc., shall be performed until after the preliminary plat has been approved. Approval of the preliminary plat is dependent upon having an approved Soil Erosion and Sedimentation Plan and Land Disturbing permit.

6-3. Preliminary plat requirements.

The preliminary plat may be a sketch of approximate accuracy and of a legible scale, made directly on a print of a boundary survey.

The plat will include the following information:

- a. Proposed subdivision name or identifying title and total acres.
- b. Name of owner of subdivision or his authorized agent, if any.
- c. The names of all owners of all adjacent land to the proposed subdivision.
- d. A vicinity map at a scale of not less than one (1) inch equals one (1) mile showing the location of the proposed subdivision.
- e. Street names, right-of-way and roadway width; similar data for alleys, if any.
- f. Location of utilities, and other types of easements.

- g. Lot lines, lot and block numbers (consecutively numbered), lot sizes, area in parks, etc.
- h. Minimum building setback lines. (35 feet measured from the right-of-way).
- i. Numerical scale, graphic scale, north arrow, date.
- j. Vertical datum shall be stated on plat.
- k. Where there are major land disturbing activities, such as new roads, drainage improvements or other activities, a Soil Erosion and Sedimentation Plan is required by Georgia law. A Soil Erosion and Sedimentation Control Plan shall be reviewed and approved by Flint River SCS District. The approved land disturbing permit issued by the Grady County Code Enforcement Department must be presented prior to submittal of the preliminary plat to the Grady County Planning Commission for approval, with the preliminary plat.
- l. Location of all water supplies on or off the subdivision which will bear upon the location of the on-site sewage management systems.
- m. Topographic map, soil characteristic map, erosion control map shall be superimposed on a separate plat with lot lines and lot numbers.

Topographic maps of all land subdivided, with scale and contour interval as required by the Grady County Health Department. Vertical datum shall be stated on plat.

Soil characteristics, including soil types and capabilities, frequency and evaluations of seasonal high ground water tables, occurrence or rock and other impervious strata where the subdivision is not to be served by a public or community sewerage system. This should be superimposed on the plat.

These sections have been consolidated, all to be included on a separate plat.
- n. Lot Frontage/Access a minimum of one hundred and fifty (150) foot frontage on a public street.
- o. Lot size. (See [Section] 3-9 [of this Appendix].)
- p. Lot width. (See [Section] 3-10 [of this Appendix]), (Cul-de-sacs See [Section] 8-7 [of this Appendix].)

6-4. Certificates of preliminary plat approval.

At such time as the Preliminary Plat may be approved by the Planning Commission, and subsequently, by the Board of County Commissioners, Certificates of Approval shall be inscribed on the plat to indicate such approval by these bodies.

- a. *Certificate by the Planning Commission.* Upon approval by the Planning Commission, or after the required thirty (30) days in which the Commission has failed to act on a request for approval, the Secretary of the Commission shall inscribe on the plat the following:

PLANNING COMMISSION PRELIMINARY PLAT APPROVAL

Pursuant to the Land Development Regulations of Grady County, Georgia, all the requirements for Approval having been fulfilled, this Preliminary Plat was given approval by the Grady County Planning Commission.

_____, 20____.

Chairman, Grady County Planning Commission

- b. *Certification by the Board of County Commissioners.* Upon approval by the Grady County Board of Commissioners, the Commission shall have inscribed upon the plat the following:

BOARD OF COMMISSIONERS PRELIMINARY PLAT APPROVAL

Upon review, this Preliminary Plat was given approval by the Grady County Board of Commissioners this _____ day of _____, 20____.

This approval does not constitute approval of a Final Plat.

Chairman, Grady County Board of Commis- Date
sioners

- c. *Certification of the Grady County Health Department.*

GRADY COUNTY HEALTH DEPARTMENT

Based on soils and associated information provided by the developer and an on-site inspection, this proposed subdivision has been approved to its general suitability for the installation of water wells and/or sewage disposal systems, with any exceptions as noted. Final approval for installations can be given only if systems are built according to this Department's Regulations. This Preliminary and final plat was given approval by the Grady County Department of Public Health on this _____ day of _____, ____.

Grady County Environmental Health Special- Date
ist

6-5. Construction of the subdivision.

Construction of the subdivision may commence only after approval of the preliminary plat by the Grady County Board of Commissioners. Prior to any changes from approved preliminary plat, approval from appropriate department must be received. The developer shall arrange periodic inspections of the project by the appropriate county departments during the course of construction.

6-6. Final plat procedure.

The Final Plat shall substantially conform to the approved preliminary plat and any deviations from the approved preliminary plat must be approved by the County. If desired by the owner/agent, the final plat may constitute only that portion (phasing) of the preliminary plat he proposes to record and develop at that time. Final plats, for all phases of the preliminary plat, must be officially recorded in the Office of the Clerk of Superior Court within three (3) years of the date of final approval of the preliminary plat; if not their approval automatically expires. Should the Planning Commission determine there have been significant changes to the subdivision ordinance since the approval of the expired preliminary plat, the

(expired) preliminary plat(s) may be required to go through the subdivision process again. However, no construction shall begin on any individual lot until after approval of the final plat by the Grady County Board of Commissioners.

- a. *Filing.* Following approval of the Preliminary Plat and the completion of all required improvements, the developer shall file with the Grady County Code Enforcement Office an application for final plat approval.
- b. *Fees.* At the time of filing the application for final plat approval, the applicant shall pay a fee in accordance with county requirements. Fee schedule for subdivisions involving new streets may be more than for subdivisions on existing roads.
- c. *Application Requirements.* The application shall contain:
 1. A letter of application containing the name and address of a person to who notice may be sent.
 2. A complete list of deviations, if any, from that which appeared on the approved preliminary plat.
 3. A statement shall be entered directly on the plat noting any private covenant or deed restrictions.
 4. A copy of the agreement between the subdivider and any other political jurisdiction, if any, regarding the arrangements for providing the necessary water and sewer facilities.
 5. Evidence of the posting of a surety bond, as required in Section 6-9.
 6. The original reproducible on plastic or transparent media and fifteen (15) prints of the final plat size 18 inches by 24 inches.
 7. Design and calculations for the storm water drainage system, including elevations and capacities of pipes and holding basins.
 8. A plan showing the locations of all water, sewer, gas and electrical system improvements, including locations of service connections.
 9. If the proposed water/sewage system for a subdivision requires the approval of the Georgia Department of Human Resources and/or the Georgia Department of Natural Resources, the approval shall be obtained prior to making application for approval of the final plat. The approval shall be in writing to the Planning Commission.
 10. All as-built plans indicating permanent soil erosion and sedimentation control measures, storm drainage facilities, and public utilities. A copy of this plan shall be provided to the office of the Board of County Commissioners.
- d. *Distribution and Review.* Copies of the final plat shall be distributed by the Grady County Code Enforcement Office, (15 days prior to Planning Commission meeting) to the Health Department, County Road Superintendent, the Planning Commission, appropriate county department heads, and the Southwest Georgia RDC for review and recommendation to the Planning Commission. Prior to the Planning Commission meeting, the Code Enforcement Officer shall submit, in writing, copies of their recommendations to the Grady County Planning Commission. Recommendations from other agencies and departments may also be submitted.

- e. *Approval by the Planning Commission.* Approval or disapproval of the final plat by the Planning Commission shall be accomplished within thirty (30) days after the date of the scheduled regular Planning Commission meeting following submission of the application. If, after the thirty (30) days, the Planning Commission has failed to act, the final plat shall be deemed approved and on demand, a copy shall be signed for transmission to the Grady County Board of Commissioners, provided, that the owner/agent may waive in writing this requirement and consent to an extension of such period. If the Planning Commission disapproves the final plat, the reasons shall be stated in the resolution and the subdivider shall be so advised.
- f. *Approval by the Board of County Commissioners.* If the Planning Commission shall approve the final plat, the final plat shall be submitted to the Grady County Board of Commissioners and shall act upon the final plat within twenty (20) days after receipt of the final plat. If the Grady County Board of Commissioners shall disapprove the final plat, the reasons shall be stated in the motion and the owner/agent shall be so advised.

6-7. Final plat requirements.

The final plat shall conform to the preliminary plat and requirements therefore, as set forth in these Regulations and shall be drawn in permanent ink on one (1) or more sheets of transparent media or reproducible plastic measuring eighteen (18) inches by twenty-four (24) inches.

The final plat shall show the following:

- a. Point of Commencement, point of beginning including all dimensions, angles, bearings and similar data necessary for proper location.
- b. Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, with curves noted by arc length, radii, chord bearing and distance of all curves.
- c. Names and right-of-way of each street or other right-of-way.
- d. Location, dimensions and purpose of any easements.
- e. Number to identify each lot. (Lots shall be consecutively numbered throughout the entire subdivision)
- f. Purpose for which sites, other than residential lots, are dedicated or reserved.
- g. Minimum building setback line of thirty-five (35) feet on all lots measured from the right-of-way.
- h. Location and description of monuments.
- i. Names of owners with deed book and page number of adjoining land and reference to recorded subdivision plats of adjoining platted land by recorded names, date and number.
- j. Certification by registered surveyor to accuracy of survey and plat.
- k. Declaration of land ownership.

OWNER DECLARATION

The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, drains, easements and other public facilities and appurtenances thereon shown for the purposes therein expressed.

Dated this _____ day of _____, 20____.

By: _____, Owner

- l. Title, numerical scale, graphic scale, north arrow, date, total project acreage, total acreage of original parcel and the acreage of each lot after subdivision and remaining acreage.
- m. A vicinity map, shown either as an insert or on a separate sheet, at a scale of not less than one (1) inch equals one (1) mile showing the location of the subdivision.
- n. A statement shall be entered on the plat noting any private covenants or deed restrictions.
- o. A copy of the deeds for dedications of public areas to the governing body.
- p. Lot Frontage/Access a minimum of one hundred and fifty (150) foot frontage on a public street.
- q. Lot size. (See [Section] 3-9 [of this Appendix].)
- r. Lot width. (See [Section] 3-10 [of this Appendix].)

6-8. Certificates of final plat approval.

At such time as the Final Plat may be approved by the Planning Commission, and subsequently, by the Board of County Commissioners, Certificates of Approval shall be inscribed on the plat to indicate such approval by these bodies.

- a. Certificate by the Planning Commission: Upon approval by the Planning Commission, or after the required thirty (30) days in which the Commission has failed to act on a request for approval, the Secretary of the Commission shall inscribe on the plat.
- b. Certification of the Final Plat by the Board of County Commissioners: Upon approval by the Grady County Board of Commissioners, the Commission shall cause to be inscribed on the plat.
- c. Certificate of Final Plat Approval by the Grady Health Department.

GRADY COUNTY HEALTH DEPARTMENT

Based on soils and associated information provided by the developer and an on-site inspection, this proposed subdivision has been approved to its general suitability for the installation of water wells and/or sewage disposal systems, with any exceptions as noted built according to this Department's Regulations. This preliminary and final plat was given approval by the Grady County Department of Public Health on this _____ day of _____, 20____.

Grady County Environmental Health Special- Date
ist

6-9. Bonds and requirements.

Post a bond, certified check, letter of irrevocable credit, or Certificate of Deposit with the Finance Director. Said bond or certified check shall provide for and secure to the County a guarantee that the actual construction and installation requirements of the County have been met. The bond shall be with a surety company licensed to do business in Georgia and acceptable to the County. It shall contain a provision indemnifying the County for the maintenance of installations and improvements required by the Regulations in the subdivision for one (1) year following the date of final approval by the Grady County Board of Commissioners. The County Administrator, Roads and Bridges Supervisor shall determine the amount of the bond which shall be adequate to cover any failures of the improvements and drainage systems. The bond shall be released after an inspection by the County Administrator indicates that all paving, drainage and other improvements have proven satisfactory and have withstood the one (1) year test period.

ARTICLE VII. MAJOR SUBDIVISION PUBLIC IMPROVEMENTS**7-1. General.**

The owner or his authorized agent shall provide public improvements as required by these regulations and by applicable county specifications and requirements, however, nothing herein shall prohibit the County, at its option and in the best interest of the County, from participating in the provision of public improvements in accordance with applicable county policy and codes.

7-2. Streets.

The owner shall provide paved streets and improved right-of-way in accordance with these regulations.

7-3. Street name signs.

The owner shall install street name signs specified by the County prior to the final plat approval.

7-4. Traffic control signs.

All traffic control signs shall be installed by the County and the cost thereof paid by the owner prior to final acceptance of streets.

7-5. Monuments.

The owner shall provide and set a minimum of $\frac{5}{8}$ inch rebar with a minimum of 18 inches long, and identifiable cap stamped with the land surveyor's registration number. The top of each monument shall be set at each street corner and lot corner and at all points where the street lines intersect the exterior boundary of the subdivision, at points of curvature in each street and at every exterior corner or point of curvature of the exterior boundary, except where such corners lie within a stream meander, in which case reference monuments shall be placed on the bank of the stream. The top of the monument shall be

marked in such a manner that will be properly and accurately identify the location. In situations where an 18 inches rebar cannot be set, at the terminus point of a line, alternative monumentation may be placed using professional judgment.

7-6. Storm drainage.

An adequate drainage system, including necessary ditches, curbs, gutters, pipes, culverts, street drains, drip inlets, bridges, and other improvements shall be provided for the conducting of all surface water through the subdivision.

Drains and cross drains shall be provided to accommodate all-natural water courses, as well as water flowing from the site and shall extend beyond the roadway shoulders sufficiently to protect the embankment slopes.

Pipe sizes and slopes shall be determined by acceptable engineering calculations and shall provide for not less than a ten (10) year return frequency storm. In no case shall cross drains be less than eighteen (18) inches in diameter and side drains less than fifteen (15) inches in diameter.

7-7. Installation of utilities and drainage.

After grading is completed and approved and before any base is applied, all of the underground work - electric distribution system, water mains, gas mains, sewer mains, and all service connections shall be installed completely and approved throughout the length of the road and across the flat section.

ARTICLE VIII. ROAD CONSTRUCTION AND DESIGN STANDARDS

8-1. Roads/streets.

The street and road system of any proposed subdivision shall give due consideration to the public road system of Grady County. Standard Plan shall conform to the current DOT standard for the road construction. (See [Article VII of this] Appendix) The Grady County Road Superintendent prior the final plat approval shall approve all road construction.

8-2. Access.

Every lot of every subdivision shall have adequate access to a public street which is or shall be maintained by the County or State of Georgia. Where the subdivision does not immediately adjoin a public road, the owner/agent shall provide access from the subdivision to a public road. Private roads may be permitted only upon the terms and conditions set forth within these subdivision regulations

8-3. Alignment and continuation.

Roads within a subdivision shall be so arranged as to provide for the alignment and continuation of or projection of existing public streets, where feasible (Illustration 2, Appendix A).

8-4. Dead-end roads.

Permanent dead-end streets and alleys shall be prohibited. Subdivisions that are developed in phases and show streets to be completed at a later date must provide for a temporary unpaved turn-around at the end of a paved street having a roadway diameter of at least fifty (50) feet (Illustration 4, Appendix A).

8-5. Intersections.

The center lines of no more than two (2) streets shall intersect at any one point. No street nor its center line tangent shall intersect another street at less than sixty (60) degrees and shall, as nearly as possible, intersect at ninety (90) degrees (Illustration 5, Appendix A).

8-6. Curb-radius.

The curb radius at street intersections shall be no less than twenty (20) feet except on major arterial streets where Georgia Highway standards shall prevail.

8-7. Cul-de-sacs.

Cul-de-sacs shall not be greater in length than two-thousand five hundred (2,500) feet and shall be provided at the closed end with a turnaround (Illustration 3, Appendix A). No more than four (4) building lots on a cul-de-sac. The setback line must meet lot width requirements.

8-8. Street jogs.

Street jogs at intersections shall be not less than one hundred and twenty-five (125) feet between center line offsets (Illustration 6, Appendix A).

8-9. Street names.

The Grady County Board of Commissioners shall maintain an up-to-date listing of all county roads, and streets. The owner/agent will refer to this listing when including the proposed name or number of all streets on the subdivision plat. A name once used, shall not be repeated elsewhere within the County, even with a different suffix, i.e., Grady Street—Grady Circle—Grady Way. The names of all new streets within the subdivision shall be subject to the approval of the Planning Commission and County Commission.

8-10. Street right-of-way and pavement width.

Street rights-of-way shall be measured between lot lines and shall be prescribed in this section. In obtaining minimum right-of-way, the owner/agent may dedicate easements for utility construction, such that easements when added to the right-of-way equal minimum requirements shown below:

<i>Street Classification</i>	<i>Minimum Right-of-Way (In Feet)</i>	<i>Minimum Pavement Width</i>
Major	80	24
Collector (without curb and gutter)	70	22

<i>Street Classification</i>	<i>Minimum Right-of-Way (In Feet)</i>	<i>Minimum Pavement Width</i>
Collector (with curb and gutter)	60	22
Residential (without curb and gutter)	60	20
Residential (with curb and gutter)	50	20
Cul-de-sac	50 Radia	20

8-11. Additional right-of-way.

If a proposed subdivision lies adjacent to the right-of-way of an existing street of which street is less than the County's minimum right-of-way width, a minimum of one-half ($\frac{1}{2}$) the required extra width shall be dedicated by the subdivider.

8-12. Service access.

Paved service access lanes shall be provided in areas designed or intended for commercial and industrial development.

8-13. Easements.

Utility easements for both underground and overhead services shall be a minimum width of fifteen (15) feet. Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they should be platted within said subdivision or phase thereof. Easements, when located next to a roadway, shall be ten (10) feet in width.

8-14. Drainage.

Drainage easements shall be required by the County.

8-15. Drainage structure and pipe.

All drainage structures or pipe shall be of standard strength and design and of sufficient size. Eighteen (18) inch or smaller side drainpipe shall have a fill or cover not less than twelve (12) inches thick. Side drains larger than eighteen (18) inches in diameter shall have a fill or cover of not less than eighteen (18) inches. All cross drains must be eighteen (18) inches or larger and have a fill or cover of twelve—eighteen (12—18) inches. All side drains must be fifteen (15) inches or larger and have a fill or cover of twelve—eighteen (12—18) inches.

8-16. Side ditches.

Side ditches shall have the minimum depth and slopes shown on the Standard Plan. (See [Article VIII of this] Appendix.)

8-17. Outfall ditches.

Outfall ditches, where required, shall be approved by the County Road Superintendent.

8-18. Bases of roads.

Bases of roads or streets shall be formed of suitable material containing no mulch, vegetable matter or other deleterious material and must be approved by the County Road Superintendent before the surface is paved.

8-19. Road, crown, slope width and ditch depth.

The width of the road, crown, slopes and the depth of ditches shall meet the minimum requirements shown in the "Standard Plan" which are incorporated herein and copies of which are available from the County Road Superintendent.

8-20. Roads or streets, paving required.

All roads or streets within a new subdivision must be paved.

8-21. Pavement standards.

Pavement shall conform to standard practice indicated in the DOT requirements Standard Plan and shall consist of material approved by the County Road Superintendent.

8-22. Base material inspection.

Inspection of the base material by the County Road Superintendent will be required before priming operation or depositing of paving material.

8-23. Grassing required for front slopes and shoulders.

The front slopes and shoulders of all roads or streets shall be planted with live sod, seeded, sprigs or turfs of Bermuda grass. The planted area shall contain a seventy-five (75) percent stand of live grass before final acceptance.

8-24. Width of grassed shoulder.

The width of grassed portion of each shoulder shall not be less than four (4) feet from margin of ditch-top front slope.

8-25. Wire crossings.

Wire crossings at all bridges and culverts shall conform to the minimum measurements and pole locations as required by the County.

8-26. Pole lines.

Pole lines parallel to the right-of-way road shall be located at the rear of the back slope.

8-27. Blocks, non-residential.

Blocks for other than residential use shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and maneuvering space.

8-28. Residential.

The length of residential blocks shall not exceed two-thousand five hundred (2,500) feet measured from interior street right-of-way lines nor less than three hundred (300) feet.

ARTICLE IX. VARIANCE PROCEDURES**9-1. Authorization.**

The Board of Commissioners may grant a variance of the development standards of this Regulation, except frontage and minimum lot area requirements, when it is in harmony with the general purpose and intent of this Regulation. A variance may only be granted in the specific instances hereinafter set forth; upon findings of fact based upon the standards hereinafter prescribed demonstrating that there are practical difficulties or particular hardships obstructing compliance with the strict letter of these regulations; and that the granting of a variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrated hardship or difficulty which is unique to the property in question and not created by the applicant.

9-2. Applications and submission requirements.

Application for variances shall be filed with the Board of Commissioners upon forms provided by the Board of Commissioners, together with payment of a fee as established by the Board to cover the advertising and processing costs. A court ordered easement is exempt from the fees. The application shall contain sufficient information to allow the Board of Commissioners to make an informed decision, and shall include, at a minimum, the following:

- a. Name and address of the applicant;
- b. The characteristics of the subject property which prevent compliance with the requirements of this Regulation;
- c. The particular hardship which would result if the specified requirements of this Regulation were applied to the subject property;
- d. A preliminary plat depicting the variance requested and any pertinent information necessary for the Board of Commissioners to render a decision.

9-3. Procedures for consideration of a variance.

- a. An application for a Variance shall be filed with the Board of Commissioners at least thirty (30) days in advance of a regularly scheduled Public Hearing of the Board of Commissioners.
- b. The Board of Commissioners shall cause to be published, at least fifteen (15), but not more than forty-five (45) days, prior to the date of the Public Hearing, within a newspaper of general circulation within the territorial boundaries of the County, a Public Notice of the Public Hearings and a Public Notice Sign on the subject property.

c. The decision rendered by the Board of Commissioners regarding the proposed variance shall be deemed to be the final action on the application and said final action shall be completed prior to application for preliminary plat approval.

9-4. Standards for variances.

The Board of Commissioners shall not grant a variance as authorized herein unless it shall, in each case, make specific findings of fact directly based upon the particular evidence presented to it in the application and public hearing that support all of the following conclusions:

- a. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same area and is not created by an action or actions of the property owners or the applicant;
- b. The granting of the variance shall not adversely affect the rights of adjacent property owners or residents;
- c. The strict application of the provisions of this Regulation, from which a variance is requested, will cause severe practical difficulty or extreme hardship for the property owner represented in this application;
- d. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community;
- e. Granting the variance desired will not violate the general spirit and intent of this Regulation.

9-5. Recording of variances.

A record of every variance granted shall be kept by the Grady County Code Enforcement Office for reference. The property owner's name, address and property location as well as the individual circumstances and reasons for granting each variance shall be recorded in the variance log.

9-6. Reapplication time requirement.

If an application for a Variance is denied by the Board of Commissioners, no application or reapplication for the same variance may be considered on the same property by the Board of Commissioners until the expiration of at least six (6) months immediately following the denial action of the application by the Board of Commissioners has occurred.

9-7. Appellate procedure.

If a variance application is denied by the Grady County Board of Commissioners, the Board of Commissioners shall send the applicant by registered/certified mail a written decision on final action including the appellate procedure. Any person or persons, who may have a substantial interest in any decision of the Board of Commissioners, may appeal said final decision to the Superior Court of Grady County, Georgia. Such appeal shall be filed with the Clerk of said court by filing a notice of appeal in writing setting forth plainly, fully and distinctly herein such decision is contrary to law. Such notice of appeal shall be filed within thirty (30) days after the decision of the Board of Commissioners is rendered. A copy of the notice of appeal shall be served on the Grady County Clerk of the Grady County Superior

Court shall give immediate notice thereof to the Grady County clerk and within thirty (30) days from the time of such notice, shall file with said Clerk of Superior Court, a duly certified copy of the minutes of the proceedings of the Board of Commissioners Public Hearing and the decision reached by the Board of Commissioners (Amended August 6, 1991).

ARTICLE X. AMENDMENTS

10-1. Amendments.

These Land Development Regulations may be amended to increase the effectiveness of the regulations. Amendments shall be initiated by either the Grady County Board of Commissioners or the Grady County Planning Commission, but the Planning Commission shall review all proposed amendments and shall forward written comments to the Board of Commissioners on a timely basis. The official public hearing will be set and held by the Board of Commissioners and public notice will be given no less than fifteen (15) days nor more than forty-five (45) days prior to the official hearing date. Public hearing notices will be published within a newspaper of general circulation within Grady County. The public notice will state the time, place and purposes of the hearing.

ARTICLE XI. VALIDITY

11-1. Validity.

Should any section or provisions of these Regulations be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE XII. VIOLATIONS

12-1. Violations.

In case of any violation or attempted violation of these regulations, the Board of Commissioners, in addition to other remedies, may institute any appropriate action to prevent such violations, or attempted violations.

12-2. Separate offense.

Each and every day's violation of any provision of these regulations shall constitute a separate offense.

ARTICLE XIII. REPEALS

13-1. Repeals.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

ARTICLE XIV. EFFECTIVE DATE**14-1. Effective date.**

These Regulations shall take effect and be in force from and after March 1, 1988. Subsequent amendments shall take effect and be in force from and after adoption unless otherwise stated in the resolution.

Therefore, be it Resolved, that the Grady County Commission, does hereby ordain, resolve, and enact the foregoing Land Development Regulations for Grady County pursuant to the provisions of the Georgia Constitution.

Adopted the 22 day of March, 1988, and revised the 14th day of April, 2009.

County Clerk

Chairman, Board of Commissioners, Grady County, Georgia

APPENDICES

Illustration 1. Tangents Between Reverse Curves

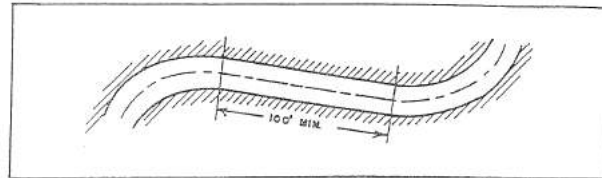


Illustration 2. Continuation of Existing Streets

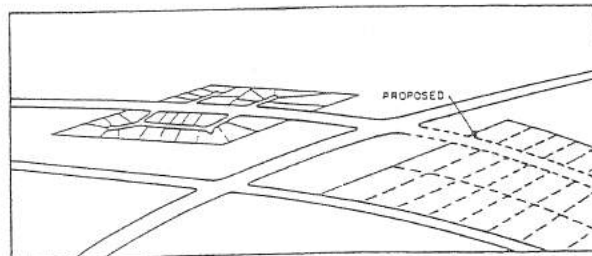


Illustration 3. Cul-de-sac

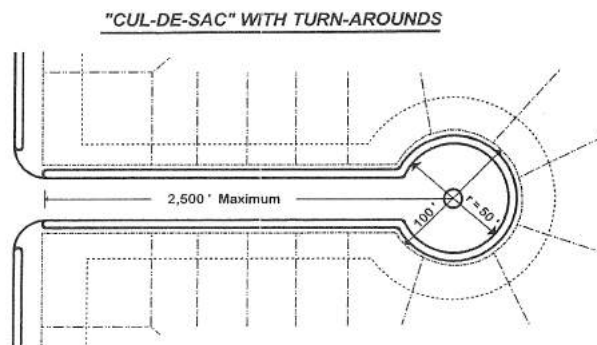


Illustration 4. Temporary dead-end-street

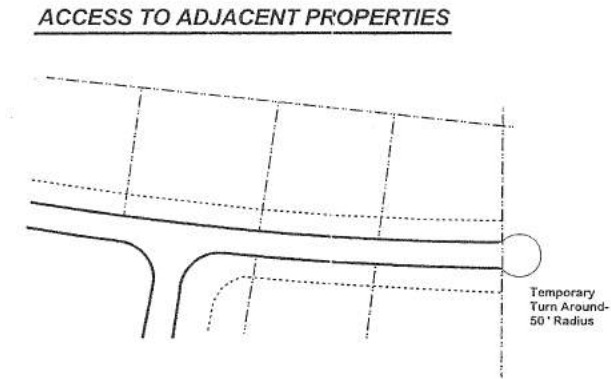


Illustration 5. Intersections

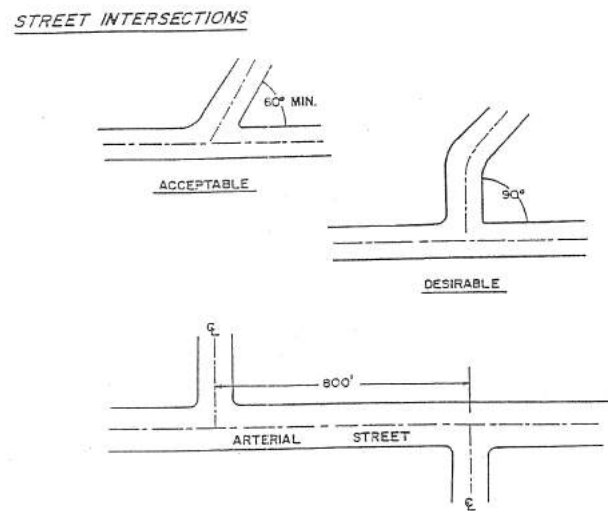


Illustration 6. Jogs

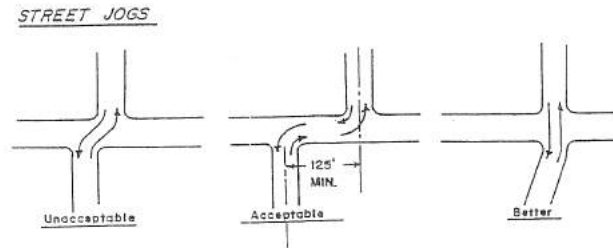


Illustration 7. Building Setback Lines

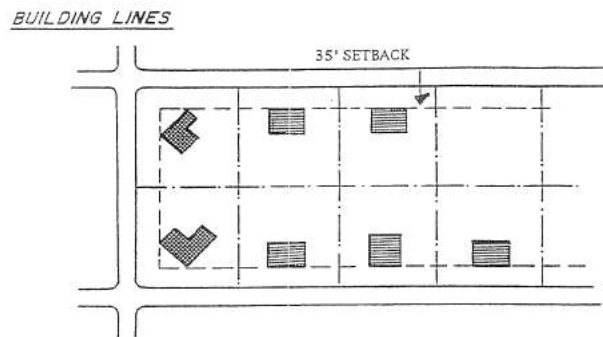
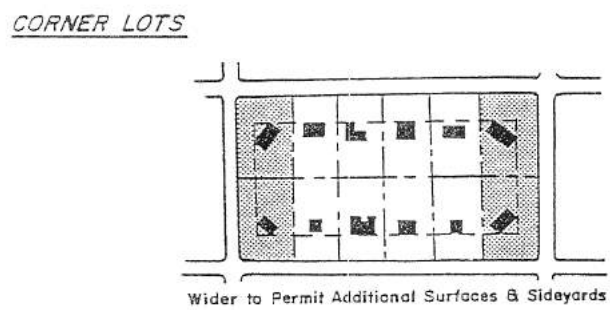
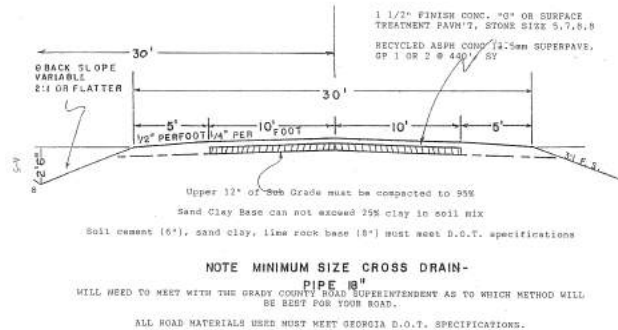


Illustration 8. Corner Lots



Typical Road Section



RULE III

ADDENDUM TO ON-SITE SEWAGE MANAGEMENT SYSTEMS AND SUBDIVISIONS—
RULES AND REGULATIONS, DHR CHAPTER 290-5-26, AND ON-SITE WATER SUPPLIES
RULES AND REGULATIONS

GRADY COUNTY BOARD OF HEALTH

ADOPTED DECEMBER 14, 2006 SIGNED _____

Chairman, Grady County Board of Health

FOREWORD

It is well established that safe drinking water and efficient sewage disposal are essential to healthy community living. The public health sciences have demonstrated that water-borne diseases remain a continuing threat to the health of any human community, especially to those which are growing rapidly.

Experience has shown that individual wells and septic tank systems may endanger the public health and rarely provide permanent solutions to problems in sanitation. Because of this it is the responsibility of the Board of Health to establish minimum standards regulating on site water supplies and sewage disposal systems. Rule III, therefore, is designed explicitly to protect the health of the people of our communities and to promote sound environmental sanitation. Additionally, this rule includes factors of lot size and density of wells and septic tank systems as they relate to land development.

The Board believes that all population densities which approach that of the urban areas should be served by community or public water and sewage systems.

The addition of requirements for the issuance of operating permits and the maintenance of advanced treatment systems used for on-site sewage management systems is authorized in the current Department of Human Resources (DHR) Manual for On-site Sewage Management Systems. Credible research has shown that such systems must be properly maintained in order to prevent failure, which would create a public health hazard. Significant areas of land in the state of Georgia are comprised of soils poorly suited for conventional on-site sewage management systems. The Rules of DHR Chapter 290-5-26 allow the use of certain alternative systems designed for use on such soils. Therefore, development of areas

considered unsuitable for conventional systems may be possible, while continuing to protect the public's health, safety and welfare. The Official Code of Georgia Annotated (O.C.G.A.) Title 31-3-5(b)(6) provides authority to the Grady County Board of Health for these additions.

In promulgating Rule III, it is the intent of the Grady County Board of Health that enforcement will be fair and reasonable and carried out in consonance with state laws, and in cooperation with other responsible state and local agencies.

Grady County Board of Health

Chairman

**ADDENDUM TO "ON-SITE SEWAGE MANAGEMENT SYSTEMS" AND SUBDIVISIONS—
RULES AND REGULATIONS DHR CHAPTER 290-5-26 AND ON-SITE WATER SUPPLIES
RULES AND REGULATIONS GRADY COUNTY BOARD OF HEALTH.**

PART I. TITLE.

These regulations shall be known and referred to as "Rules and Regulations pertaining to "On-Site Sewage Management Systems", and Subdivisions and On-Site Water Supplies for Grady County, Georgia including all incorporated and unincorporated areas."

PART II. LEGAL AUTHORITY

2.01. It is incumbent on the Grady County Board of Health to enforce the provisions of the rules and regulations of the Department of Human Resources, Division of Public Health, Chapter 290-5-26 On-Site Sewage Management Systems, and the Official Code of Georgia Annotated (O.C.G.A.) Chapter 31, and to establish certain other requirements as are necessary for the orderly development of Grady County.

2.02. The Grady County Board of Health, pursuant to the provisions of the O.C.G.A. Chapter 31, does hereby adopt and promulgate the following rules and regulations relating to On-Site Sewage Management Systems, Subdivisions, and Water Supplies.

2.03. The provision of these rules and regulations are in addition to the provisions of DHR Chapter 290-5-26, On-Site Sewage Management Systems.

PART III. PURPOSE.

To establish minimum standards and requirements for on-site water supplies, on-site sewage management systems, and subdivisions: governing the design, construction and installation and inspection of such systems, and ordering issuance of permits.

PART IV. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this rule:

- 4.01. *ADVANCED TREATMENT SYSTEM* shall mean a system approved by DHR as meeting Class I effluent requirements as established by the most current ANSI/NSF Standard 40 testing requirements.
- 4.02. *ANNULUS* [means] the same as "annular space" and means any artificially created void existing between a well casing or liner pipe and a borehole well.
- 4.03. *APPROVAL OR APPROVED* means acceptable or accepted by the Health Authority in accordance with applicable specifications stated herein or with additional criteria accepted by the Health Authority.
- 4.04. *AQUIFER* means one or more, or parts of one or more, geologic formations capable of yielding water to a well.
- 4.05. *BACK SIPHONAGE* means siphonage of water or other liquids from external sources into the water supply during times of pressure differential, whether due to improper connections or failure of devices in the system.
- 4.06. *BORED WELL* means any well excavated by an earth auger in which the casing extends from the ground surface into the aquifer.
- 4.07. *CERTIFIED WELL CONTRACTOR* means any person who:
 1. Engages in the construction, repair or alteration of individual on-site drinking water supply systems, either private or semi-public;
 2. Is licensed as a well contractor in accordance with the Water Well Standards Act of 1985, O.C.G.A. § 12-5-120 et seq.; and its successors.
- 4.08. *COMMERCIAL DEVELOPMENT* means any land development other than residential development. It includes multiple family, retail, wholesale, commercial, office, industrial, church, and other such development.
- 4.09. *COMMUNITY WATER SUPPLY* means any public water supply which serves at least fifteen (15) service connections used by yearround residents or which regularly serves at least twenty-five (25) yearround residents.
- 4.10. *CONSTRUCTION PERMIT* shall mean a permit to begin construction and installation of an on-site sewage management system as defined in Chapter 290-5-26-.03(2).
- 4.11. *COUNTY BOARD OF HEALTH* means the County Board of Health established by Georgia Health Code (O.C.G.A. § 31-3-1) or its designee or authorized representatives.
- 4.12. *CROSS CONNECTION* means any configuration whereby a potable water supply is connected with any water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains (or may contain) contaminated water, sewage or other unsafe waste or liquid which may be capable of contaminating the potable water supply.

- 4.13. *DEPARTMENT* or *DHR* means the Georgia Department of Human Resources or its successor agency.
- 4.14. *DNR* means the Georgia Department of Natural Resources or its successor agency.
- 4.15. *DRILLED WELL* means any well, whether excavated by rotary or percussion hydraulic drilling, having a casing that extends from the ground surface to an aquifer where adequate water capacity is obtained.
- 4.16. *FLOODPLAIN* means a generally flat plain or depression susceptible to being flooded from any source, including small and intermittent water courses and coastal areas subject to intermittent tidal action.
- 4.17. *GROUNDWATER* means water whose normal level is below ground level.
- 4.18. *HEALTH AUTHORITY* means the local county health board or its representative.
- 4.19. *LENGTH* means the longer dimension of a lot.
- 4.20. *MANUAL* [means] the current manual as provided by DHR Public Health, Environmental Health Section regarding "On-Site Sewage Management Systems" as described in Chapter 290-5-26.
- 4.21. *MAINTENANCE CONTRACTOR* shall mean an individual or company meeting all requirements of DHR and registered with the Grady County Board of Health to service and perform maintenance on advanced treatment systems.
- 4.22. *NON-COMMUNITY WATER SUPPLY* means any public water supply which regularly serves at least fifteen (15) service connections or an average of twenty-five (25) individuals for at least sixty (60) days out of the year.
- 4.23. *OPERATING PERMIT* shall mean a permit to operate an advanced treatment system used in conjunction with an on-site sewage management system that is renewed on an annual basis.
- 4.24. *PERMIT* means written approval from the health authority.
- 4.25. *PERSON* means any individual, partnership, corporation, or association and may be extended and be applied to bodies, politic and corporate.
- 4.26. *POTABLE WATER SUPPLY* means any water supply that is satisfactory for drinking, culinary and domestic purposes.
- 4.27. *PREMISES* means any place or building(s) where people live, work or congregate.
- 4.28. *PRIVATE WATER SUPPLY* means any water supply consisting of a single well and serving no more than two (2) single residences on one lot.
- 4.29. *RESIDENCE* means any building or structure intended for housing of a single family.
- 4.30. *SANITARY SEWER* means a pipe or system of pipes, manholes, etc., constructed for the purpose of conveying sewage.

- 4.31. *SEMI-PUBLIC WATER SUPPLY* means any water supply other than a private water supply which serves less than fifteen (15) service connections or twenty-five (25) people on a daily basis at any time during the year.
- 4.32. *SEWAGE* means and includes human excreta, all water carried wastes, and liquid household waste from residences or commercial and industrial establishments including: sanitary human waste or excrement from water closets, lavatories, urinals, bathtubs, and showers, and liquid wastes from kitchens or laundries, or other water using appliances, equipment, or processes.
- 4.33. *SPECIAL EVENT* means any activity attracting more than fifty (50) persons that is sponsored, organized, promoted, managed or financed by any person, group, partnership, organization, corporation, business or governmental entity where individuals congregate to participate in or observe an activity in outdoor or portable enclosed or semi-enclosed structures for more than two (2) consecutive hours.
- 4.34. *SURFACE WATER* means water whose normal level is above ground level.
- 4.35. *WATER SUPPLY* means the source from which the water is obtained and all structures, machinery, conduits and other appurtenances by means of which the water is collected, treated, stored, protected, or delivered to the customer/consumer for drinking, culinary and other domestic purposes and any well not regulated by applicable State or Federal agencies.
- 4.36. *WELL* means an excavation or opening into the ground by which groundwater is sought or obtained.
- 4.37. *WIDTH* means shorter dimension of a lot.

PART V. ON-SITE WATER SUPPLIES; GENERAL PROVISIONS.

5.01. Owners of private homes and semi-public water supplies, and all rented or leased premises shall furnish at least one (1) convenient outlet with the capacity to supply an adequate quantity of potable water for drinking and domestic purposes. The number, type and location of the water system appurtenances shall be commensurate with occupancy and use levels and shall meet applicable codes. Special event sponsors must provide an adequate number of potable water supplies as set forth by the local plumbing code.

5.02. No person may construct or install a semi-public water supply or a private water supply unless he or she is a licensed well contractor in accordance with the Water Well Standard Act of 1985, O.C.G.A. § 12-5-120 et seq., or its successors.

5.03. Licensed contractors are subject to the requirements of the Water Well Standards Act of 1985, O.C.G.A. § 12-5-120 et seq., or its successors and this Rules Chapter. Violations of this Chapter shall be considered in view of the requirements of the Act, and contractors shall be held liable for any violations of either or both if applicable.

5.04. A coliform test performed by an approved lab or the Health Department shall be required upon completion of construction and following disinfection of the water supply systems used for human consumption. The sample results must be satisfactory before final construction can be approved. Disinfection and sampling must be continued until satisfactory results are obtained.

5.05. Upon request by the property owner, the Health Authority will sample the supply to determine bacteriological quality, provided well construction meets all regulatory requirements. Sampling of unapproved or non-complying wells shall be at the Health Authority's discretion. A sample is considered satisfactory and meeting the minimum bacteriological quality limits of this regulation if one (1) or less coliform bacterium per one hundred (100) milliliter of sample is present.

5.06. No person shall allow a public, private, or semi-public water supply to be connected directly or indirectly with any other water supply, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, liquid, gasses, sewage, or other waste of unknown or unsafe quality capable of contaminating the water system. No backflow, configuration bypass arrangement, jumper connections, removable section, swivel or changeover device, or other temporary, permanent or potential connection through which (or because of which) backflow siphonage could occur will be allowed.

5.07. No outlet from a water supply shall be installed or maintained so that back siphonage is possible. Approved backflow preventer devices shall be required on all outlets to prevent contamination of the water supply and the aquifer. The procedures and devices for backflow and back siphonage prevention and cross connection control shall conform to those recommended by the American Water Works Association manual 14, and the U.S. Environmental Protection Agency Cross Connection Manual.

PART VI. WATER SUPPLY—GENERAL PROVISIONS.

Water supply systems hereafter constructed will conform to the following requirements:

- 6.01. Permit. No person shall construct or modify a water supply system without first securing a construction permit from the Grady County Board of Health. The County Board of Health shall approve or disapprove permit applications within twenty (20) days after receipt of a completed application.
- 6.02. All wells shall be located as to obtain ground water that has the maximum protection that can be provided by the local geological formation, surface topography and land usage. Wells shall be constructed and grouted in accordance with requirements of Water Well Standards Act of 1985 and its successors.
- 6.03. The earth surface shall be sloped from the well so as to divert surface water away from it and the surface shall be graded and maintained so as to prevent the accumulation and retention of surface water within a reasonable distance (at least ten feet) from the well in all directions.
- 6.04. Protective covering over ground water supplies, including concrete slabs or other types of watertight coverings shall be located not less than two feet above the highest known water level of any nearby surface water.
- 6.05. For a well on a hillside an adequate interception ditch or ditches shall be constructed on the uphill side of the well in such a manner as to divert the storm water runoff away from the well in all directions.

- 6.06. Unless otherwise directed by the County Board of Health on the basis of hydrological and geological determinations all wells shall be located not less than 50 feet from any sealed septic tanks, sanitary sewers, and subsurface pits, not less than 100 feet from seepage pits, pit privies, subsurface sewage disposal field, barnyard, or other such possible polluting sources.
- 6.07. Where casing is used in wells of all types the casing shall extend at least twelve inches above the finished grade at the well.
- 6.08. A drilled well shall be cased with new standard wrought iron or steel well casing or other casing that is at least equally watertight and durable. The sections shall be joined together with threaded couplings or by welding so that the joints will be watertight.
- 6.09. A well shall be further protected by the installation of a four-inch-thick concrete slab cover extending two feet from the well in all directions and sloped slightly to shed water.
- 6.10. Every well shall be provided with an overlapping watertight cover or sanitary seal at the tip of the casing or pipe sleeve to prevent contaminated water or other deleterious material from entering the well.
- 6.11. Every pump platform or pump room floor shall be watertight and elevated above the adjacent ground. Its surface shall be sloped to promote cleanliness by facilitating the rapid removal and diversion of surface and wastewater away from the well and platform.
- 6.12. Upon completion of construction or modification of a well, the water supply to be utilized for human consumption, shall be disinfected with a chlorine solution of at least 50 parts per million of residual chlorine or the equivalent for a ten- to-twelve-hour contact period.
- 6.13. Following disinfection the County Board of Health should be notified in order that a sample of water may be collected for bacteriological examination.
- 6.14. Well log and specification of materials used must be submitted to the Health Department within 30 days of completion of the well.
- 6.15. Whenever a well hole of any depth is excavated for, but not used as a water supply, it shall be the well driller's responsibility to fill, plug, and seal the excavation in a manner acceptable to the Board of Health. It shall be the owner's responsibility to fill, plug and seal, in a like manner, any well that is to be permanently abandoned. If any well is to be temporarily removed from service, the well shall be sealed with a watertight cap or seal that cannot be removed by children or the general public.

PART VII. ON-SITE SEWAGE MANAGEMENT SYSTEMS—GENERAL PROVISIONS (REF. 290-5-26).

7.01. DHR Chapter 290-5-26 and the Manual for On-Site Sewage Management Systems, defined therein are hereby adopted by reference in their entirety by the Grady County Board of Health, except as noted in [subsection] 7.02 below.

7.02. Minimum Lot Size. Shall conform with the current Manual as of 4-6-1999 or subsequent changes which would require larger lot sizes, excepting that the exclusions in Section M - I.D. and its successors shall be employed when on-site conditions warrant.

7.03. Minimum width of lots at the location of the absorption field shall be one hundred feet (100 feet) for lots with public water and one hundred fifty feet (150 feet) for lots not served by public water.

7.04. On-Site Sewage Management Systems may be utilized for any building or facility not excluded by the Departments current Manual or Memorandum of Understanding between applicable/authorized governing agencies.

7.05. A complete replacement area must be provided for On-Site Sewage Management System replacement, repair, addition or modification. Space reserved for repair, replacement, addition or modification of sewage systems may not be used for building, paving, parking or any other use that would render it unacceptable for its intended purpose.

7.06. Permits must be obtained from the Health Department (Board of Health) in accord with provisions of the Rules and Regulations, Chapter 290-5-26, and On-Site Sewage Management Systems Manual prior to development.

7.07. All On-Site Sewage Systems installed in Grady County must be inspected by and approved by the County Health Department Representative prior to applying final cover and/or use.

7.08. It is the responsibility of the property owner to properly maintain the sewage system in accordance with the Rules and Regulations and recommended guidelines of the Manual.

7.09. Repairs, replacements, additions or modifications to existing systems must be permitted and inspected.

7.10. In conjunction with a repair permit being issued, the septic tank must have been pumped, inspected and found to be acceptable in size and conditions.

7.11. Electrical power (service connection).

1. May not be supplied temporarily to any site, well, building or other facility before the owner obtains a well construction permit or on-site sewage management systems permit from the Grady County Health Department.
2. May not be furnished permanently to any site, well, building or other facility before the owner obtains approval and appropriate permits from the Grady County Health Department.

7.12. Any parcel of land that is to be sold, rented or developed in any way that requires an on-site sewage management system must have prior written approval from the Grady County Board of Health.

PART VIII. SUBDIVISION (REF. 290-5-26).

8.01. Lots of legal record as of the effective date of these rules and regulations, which were previously approved or exempted by the Health Authority, will be exempt from present lot size requirements provided they meet all other provisions of Chapter 290-5-26 and this addendum. Lots which were considered unapproved under a previous County Board of Health regulation or other applicable codes will continue to be unapproved.

8.02. Approval to the planning commission will not be given for a subdivision where on-site sewage disposal is to be provided until the requirements according to section 290-5-26-.14 and 290-5-26.15 and this addendum have been met.

PART IX. OPERATIONAL PERMITS AND MAINTENANCE REQUIREMENTS FOR ADVANCED TREATMENT SYSTEMS.**9.01. OPERATING PERMIT REQUIREMENTS.**

- a. An annual operating permit shall be required for advanced treatment systems and all components thereof, and no person may operate an advanced treatment system without an annual operating permit. A fee may be charged for the issuance of such permit, such fee to be established by the Grady County Board of Health as provided in O.C.G.A. Title 31-3-4(6).
- b. After meeting all requirements of the construction permit and after a satisfactory construction inspection, the owner/applicant shall submit within 30 days of such inspection, the following information to the County Board of Health:
 - i. A copy of the applicable manufacturer's warranty and service agreement.
 - ii. Proof of a recorded notification of the existence of and the maintenance requirements for an advanced treatment system, filed with the deed of the property in the county office of deed records.
 - iii. Any other documentation as reasonably required by the County Board of Health to ensure the health, safety and welfare of the public.
- c. Upon receipt of the above information, the County Board of Health shall issue an operating permit.
- d. Renewal of the operating permit shall be required on the anniversary of the issuance of said permit or on a calendar year basis.
- e. The Grady County Board of Health shall annually renew the operating permit after the County Health Department establishes that the system is in full compliance with applicable rules.
- f. The system owner shall be responsible for compliance with all maintenance requirements as described in the Manual, which is incorporated herewith in pertinent part. Proof of compliance shall be provided to the County Health Department prior to the renewal date.
- g. Current owners of pre-existing advanced treatment systems shall be required to obtain an operating permit within twelve (12) months of the effective date of these rules.

9.02. INSPECTION AND FEES.

- a. The Grady County Board of Health shall review the advanced treatment system operating permit at the time of renewal for compliance. A fee for this review may be charged to the owner of the advanced treatment system, such fee to be established by the Grady County Board of Health as provided in O.C.G.A. Title 31-3-4(6).
- b. Failure to maintain an active service agreement and submit annual service reports shall result in an inspection by the Grady County Health Department and the imposition of an inspection fee, such fee to be established by the Grady County Board of Health as provided in O.C.G.A. Title 31-3-4(6).

- c. Owners of an advanced treatment system who obtain and keep active a service agreement with an approved maintenance contractor and provide the County Health Department with an annual service inspection report shall not be subject to an annual inspection fee by the County Health Department.
- d. If review or inspection reveals that the advanced treatment system is improperly maintained, the operating permit may be revoked.

9.03. MAINTENANCE CONTRACTOR REQUIREMENTS.

- a. Maintenance contractors shall register with the County Health Department in the county in which the business is based.
- b. The following criteria shall be required for registration.
 - i. Payment of a registration fee established by the County Board of Health as provided by O.C.G.A. § 31-3-4(6).
 - ii. Possession of a current NSF International On-site Wastewater Inspector Accreditation or equivalent as established by the Department, OR be certified by the manufacturer to perform service with written documentation provided to the County Health Department.

9.04. MAINTENANCE REQUIREMENTS.

- a. An advanced treatment system shall be pumped in accordance with the manufacturer's recommendations and/or after a visual inspection indicates that the mixed-liquor (aerator) solids are above 6,000 mg/l or the final settler is more than one-third ($\frac{1}{3}$) full of settled solids per the USEPA's On-site Wastewater Treatment Systems Manual.
- b. An advanced treatment system shall be operated in accordance with the manufacturer's requirements and all applicable state rules and regulations.
- c. The absorption field shall be maintained in a manner to prevent any prohibited discharge of effluent.

PART X. ENFORCEMENT.

Enforcement of this rule shall be in accordance with O.C.G.A. § 31-5-1 et seq., and Rule No. 1 adopted and promulgated by the County Board of Health.

PART XI. REPEAL.

Any rule, regulation, ordinance or guideline adjudged to be in conflict with Chapter 290-5-26, the Manual, and this addendum is hereby repealed.

PART XII. POWER TO ENTER.

It shall be the duty of the representative of the Board of Health to enforce these rules and regulations and/or others that may be adopted pertaining to public health. This representative, being either the Health Officer, Public Health Engineer or Sanitarian, County Environmental Health Specialist or

District Environmentalist for the County, or authorized person accompanying a Board of a Health representative is hereby authorized to enter at any reasonable time any premises as may be necessary for its enforcement.

Appendix B

REGULATIONS FOR SPECIFIC LAND USE*

Article I. General Provisions

- 1.1. Short title.
- 1.2. Authority.
- 1.3. Jurisdiction.
- 1.4. Purpose.
- 1.5. Registration.

Article II. Definitions

- [2.1. Definitions.]

Article III. Requirements for Specific Uses

- 3.1. Purpose.
- 3.2. Setback requirements.
- 3.3. Hours of operation.
- 3.4. Opaque vegetative buffers.
- 3.5. Lighting.
- 3.6. Accessing requirements.
- 3.7. Noise restrictions.
- 3.8. Additional regulations for communication towers.
- 3.9. Additional regulations for extractive industries.
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Article IV. Nonconforming Uses and Structures

- 4.1. Exemptions.
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- 5.1. Waiver of setback from habitable dwelling, church or business.

***Editor's note**—Printed herein are the Regulations for Specific Land Uses of Grady County, Georgia, as adopted by the Board of Commissioners on October 6, 2009. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. Additions made for clarity, such as consistent state statute citations and catchline modifications, are indicated by brackets [].

GRADY COUNTY CODE

- 5.2. Waiver form.

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- 6.1. Administration and interpretation.
- 6.2. Enforcement.
- 6.3. Building permit required.
- 6.4. Certificates of occupancy.
- 6.5. Fees.
- 6.6. Application procedures.
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- 6.9. Complaints.
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- 6.11. Injunction.
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Article VII. Violations and Penalties, Conflicting Regulations, Validity and Severability, and Adoption and Effective Date

- 7.1. Penalties for violation of ordinances.
- 7.2. Conflict with other laws.
- 7.3. Validity and severability.
- 7.4. Repeal of conflicting regulations.
- 7.5. Codification.
- 7.6. Adoption and effective date.

<i>Board of Commissioners</i>
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Robert Burns, Chairman
Charles D. Norton
Albert Ball
Rusty Moye, County Administrator
Carrie Kines, County Clerk
Grady County Planning Commission
Wesley Lee, Chairman
John Monds, Vice Chairman
Ronald Stewart
Gary Jones
Roy Jones
Larry Ivy, Building Inspector/Land Use Officer
Clarcia Avery, Environmental Health
Grady County, Georgia
Regulations for Specific Land Uses

ARTICLE I. GENERAL PROVISIONS

1.1. Short title.

These Regulations shall be known and may be cited as the Regulations for Specific Land Uses of Grady County, Georgia.

1.2. Authority.

These Regulations are adopted under the authority of Sections II of Article IX of the Constitution of the State of Georgia.

1.3. Jurisdiction.

These Regulations shall govern all land uses described herein within the borders of the unincorporated portions of Grady County, Georgia.

1.4. Purpose.

The purpose of these regulations shall be to promote public health, safety, morals and general welfare of the citizens of Grady County as well as protect the community from negative impacts on aesthetics and nuisances created by certain land uses. These regulations shall serve to mitigate the negative impacts on the community as a whole by separating potentially incompatible land uses through the establishment of minimum requirements for specific uses of land. In furtherance of this goal, these Regulations are adopted for the following purposes:

- A. To establish minimum setbacks from property lines for certain potentially harmful uses;

- B. To establish permissible hours of operation for certain potentially harmful uses;
- C. To establish minimum buffer zones, lighting and noise restrictions for certain potentially harmful uses;
- D. To establish minimum access requirements for certain potentially harmful uses;
- E. To ensure that negative side effects common to certain potentially harmful uses, such as stray light, noise, etc., do not become nuisances to adjacent properties.

1.5. Registration.

Each individual or entity that owns property in Grady County upon which one or more regulated uses are conducted must register with Grady County, prior to conducting such use or uses, by completing a registration form approved by the Grady County Board of Commissioners and by submitting the completed form to the Grady County Code Enforcement Department. The registration form shall include the identity of an individual (the Manager) who will manage the regulated use(s) conducted on the property and who will be personally responsible for any violation of the provisions of the Regulations for Specific Land Use, as amended.

Following initial registration, any individual or entity that owns property in Grady County upon which a regulated use is being conducting may amend a previously submitted application form to substitute another individual as Manager.

ARTICLE II. DEFINITIONS

[2.1. Definitions.]

Except as specifically defined herein, all words used in these Regulations have their customary dictionary definitions. The following words shall have the meaning herein indicated:

Adult entertainment facility. Any business such as motion picture theaters, mini-motion pictures theaters, erotic dancing, escort services, bookstores, video stores, adult toy stores, etc., characterized by an emphasis on sexual activities or products associated with or depicting sexual activities.

Airport. A place where aircraft can take off and land and which is equipped with hangers, facilities for refueling and repair, and various accommodations for commercial passengers.

Airstrip. A long, flat piece of land intended for noncommercial, private use from which trees, rocks, etc. have been removed so that aircraft can take off and land. Airstrips may have several of the amenities commonly found at airports, except for those designed to accommodate commercial passengers.

Automotive wrecking yard. See *junkyard*.

Business. Any facility, building or structure used for a for profit or not for profit commercial venture; or owned, occupied, or leased by a school system (public or private), municipality, county, state or federal government entity.

Church. A building or structure or groups of building or structures that by design and construction are primarily intended for conducting organized religious services, including temples, synagogues, and other places of worship and their associated accessory uses, including, but not limited to, schools, meeting halls, indoor and outdoor recreational facilities, day care, counseling, homeless shelters, and kitchens.

Communication tower. A structure that is intended to send and/or receive communications either aurally or visually.

Explosive. Any substance determined by the Georgia State Fire Marshall or any other state or federal agency to be an explosive.

Extractive industry. Any facility engaged in the extraction of earth products, such as sand, oil gravel, rock, stone, clay, or other mining operations.

Flea market. A commercial market, usually outdoors, which includes but is not limited to a Yard Sale lasting more than 3 days, which sells various kinds of merchandise, for example, antiques, used household items, and cut-rate goods to the public.

Habitable dwelling. A structure or portion thereof that is used primarily for human habitation that meets County adopted ICC (International Code Council) standards and/or the International Residential code and all carports, garages and outbuildings within 50 feet of this structure.

Junkyard. Any area, lot land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

Kenel. Any facility, including, but not limited to, buildings and animal runs used for the purpose of commercial boarding or sale of animals (excluding horses, swing, goats, and geese) or pets on any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

Landfill. A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

Lot. Any undivided portion or tract of land, which may be designed as a distinct and separate tract, identified by tract number or lot number on a plat, or otherwise identified by public record as a tract of land which is, or may in the future, be offered for sale, conveyance, transfer, or improvement.

Lot line. See *property line*.

Major Streets and Highways. All paved county roads which are not part of a subdivision and all roads maintained by the State of Georgia's Department of Transportation.

Miniwarehouse. A structure or group of structures containing separate spaces/stalls that are leased or rented on an individual basis for the storage of goods.

Opaque Buffer. A natural or enhanced vegetated area so thick as to not be seen through, usually intended to screen and separate incompatible uses.

Property line. A line of public record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Public and private gathering places. A lodge, lounge, fairground or the like that facilitates the gathering of a group of persons. Single-family dwellings are exempt from these regulations as well as temporary, non-commercial events lasting less than eight days. Church properties and areas where church events are scheduled are exempt from these regulations as well.

Racetracks. Any premises designed, intended, or used for a commercial, competitive event, or any non-commercial competitive event or the practice thereof, between motorized vehicles and/or animals over a predetermined course; or any premises designed, intended, or used for any contest of speed, pulling power, or similar activity in which motorized vehicles or animals are used. This definition shall include all such race facilities that do not meet the definition of family racetracks below.

Racetracks, family. Any premises, less than one acre in area, designed, intended, or used by family members for motorized vehicle or animal racing practice. This facility is not used for commercial use and no more than one facility may be located on a lot.

Service Stations. Any commercial service or fuel filling stations including any convenient store with gasoline pumps, that is not intended solely for personal and/or agricultural use.

Security Lighting. Exterior lights that illuminates an area within 50 feet of a building or structure only.

Setback. The distance between a building, structure or improvement and any designated building, structure, improvement or lot line.

Shooting Ranges. Any area designated for the sport shooting of firearms and not available for use by the general public without payment of a fee, membership contribution, or dues.

Site plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot once a specific use is completed.

Solar Collector means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Farm. Except as limited hereinafter, for purposes of this ordinance, the term "Solar Farm," includes a use of land, consisting of 5 acres or more, where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 Kilowatts (KW) direct current (DC) or more when operating at maximum efficiency. Solar farm is also referred to as solar power plant and solar photovoltaic farm. However, notwithstanding anything to the contrary contained herein, the term "Solar Farm" shall not be construed to include any site of solar collectors consisting of less than 5 acres or, so as to prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property.

Special Event. Any meeting, activity, parade, or gathering of a group of persons or vehicles, or a combination thereof, having a common purpose which may inhibit the usual flow of pedestrian or vehicular travel within the jurisdiction of Grady County and which deviates from the uses permitted herein.

Subject property. The property for which and applicant makes an application to conduct a regulated use under the terms of these regulations.

Yard sale. The sale of any furnishings, household goods, merchandise, commercial goods, equipment, junk, or other personal assets in Grady County where there is not a business license issued by Grady County to the property owner authorizing a commercial business for the sale of such goods. (Ord. of 11-15-2016; Ord. of 6-6-2017; Ord. of 7-6-2021)

ARTICLE III. REQUIREMENTS FOR SPECIFIC USES

3.1. Purpose.

This Article sets out the regulations imposed on the following land uses in Grady County, Georgia: Adult Entertainment Facilities, Airports, Airstrips, Amphitheaters, Automobile Wrecking Yards and Junkyards, Communication Towers, Extractive industries, Flea Markets, Golf Driving Ranges, Helicopter Landing Facilities, Kennels, Landfills, Miniwarehouses, Public and Private Gathering Places, Race-tracks, Family Racetracks, Shooting Ranges, Storage of Explosives, Solar farms, and Signs. These uses may collectively be referred to as "the regulated uses" throughout this ordinance. (Ord. of 6-6-2017)

3.2. Setback requirements.

Each of the regulated uses shall be located a distance setback from the property line of said lot and from any habitable dwelling, church or business, as specifically described below unless waived as provided in Article V [of this Appendix]. These setback requirements shall include all buildings, structures, outbuildings, or vehicle parking areas incidental to the regulated use. Excluded from these setback requirements are all habitable dwellings, access roads for ingress and egress, and RV parking areas as regulated in other sections of the Grady County Code of Ordinances.

- A. *Property Line Setbacks.* The distance from the property lines of the subject property required as a setback for each regulated use shall be as follows:
1. The following regulated uses shall be setback a minimum of 35 feet from all property lines:
 - a. Communication towers.
 - b. Flea markets.
 - c. Golf driving range.
 - d. Service stations.
 - e. Solar farms.
 2. The following regulated uses shall be setback a minimum of 50 feet from all property lines:
 - a. Public and private gathering places.
 - b. Miniwarehouses.
 3. The following regulated uses shall be setback a minimum 100 feet from all property lines:
 - a. Kennels.

4. The following regulated uses shall be set back a minimum of 250 feet from all property lines:
 - a. Automobile wrecking yards and junk yards, and this use may only take place outside of the 100-year floodplain.
 - b. Racetracks.
 - c. Extractive Industries.
 - d. Helicopter landing facility.
 - e. Shooting ranges.
 5. The following regulated uses shall be set back a minimum of 500 feet from all property lines:
 - a. Airport.
 - b. Airstrips.
 6. The following regulated uses shall be set back a minimum of 2,500 feet from all property lines:
 - a. Adult entertainment facilities.
 - b. Landfills.
- B. *Habitable Dwelling Church or Business Setback.* The following regulated uses shall be set back from a habitable dwelling, church or business the following distances:
1. The following regulated uses shall be set back a minimum of 300 feet from any habitable dwelling, church or business:
 - a. Flea markets.
 - b. Golf driving range.
 - c. Miniwarehouses.
 - d. Solar farms.
 2. The following regulated uses shall be set back a minimum of 500 feet from any habitable dwelling, church or business:
 - a. Airstrip.
 - b. Amphitheaters.
 - c. Helicopter landing facilities.
 3. The following regulated uses shall be set back a minimum of 1,000 feet from any habitable dwelling, church or business:
 - a. Airport.
 - b. Extractive industrials.
 - c. Family racetrack.
 - d. Kennels.
 - e. Storage of explosives, except those used solely for agricultural purposes.

4. The following regulated uses shall be setback a minimum of 1,500 feet from any habitable dwelling, church or business:
 - a. Automobile wrecking yards and junkyards.
 - b. Racetracks (for animals only).
5. The following regulated uses shall be setback a minimum of 5,000 feet from any habitable dwelling, church or business:
 - a. Adult entertainment facility.
 - b. Racetracks (on which all, or a portion of, the facility is used by motor vehicles).
 - c. Landfills.
 - d. Shooting ranges.

(Ord. of 6-6-2017)

3.3. Hours of operation.

The following regulated uses shall only be conducted during the hours described below:

- A. Adult entertainment facilities shall limit its hours of operation to Monday through Saturday from 5:00 p.m. to 12:00 [Midnight].
- B. Amphitheaters and Golf driving ranges may be operated any day of the week and its house of operation shall be limited to 8:00 a.m. to 11:00 p.m.
- C. Racetracks and Family racetracks shall limit their operations to Monday, Tuesday, Thursday and Friday from 8:00 a.m. to 8:00 p.m.; Wednesday from 8:00 a.m. to 6:00 p.m.; Saturday from 10:00 a.m. to 10:00 p.m.; and Sunday from 1:00 [p.m.] to 6:00 p.m.
- D. Landfills may be operated any day of the week and its hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
- E. Shooting ranges hours of operation shall be limited to Monday, Tuesday, Friday and Saturday from 8:00 a.m. to 8:00 p.m.; Wednesday from 8:00 a.m. to 6:00 p.m.; Thursday from 8:00 a.m. to 10:00 p.m.; and Sunday from 1:00 p.m. to 6:00.

(Ord. of 6-6-2017)

3.4. Opaque vegetative buffers.

The following specifically listed regulated uses shall have an opaque vegetative buffer along all property lines. Nothing contained herein shall be construed so as to require such continuous evergreen vegetative buffer to block reasonable access to a property. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at planting shall be a minimum of 4 feet in height and which shall be maintained at maturity at a height of not less than 15 feet. The evergreen trees or shrubs shall be spaced no more than ten feet apart (from the base of the tree or shrub to the base of the next tree or shrub). The evergreen vegetative buffer shall be carefully planted and shall be maintained in good condition. Failure to maintain the evergreen vegetative buffer shall constitute a violation of this [Article].

- A. Adult entertainment facility.

- B. Amphitheater.
- C. Automobile wrecking yards and junkyards. This facility must also be completely enclosed by a fence having a height of at least six feet.
- D. Extractive industries.
- E. Flea markets.
- F. Golf driving ranges.
- G. Landfills, landfills shall also have an opaque buffer not less than 50 foot wide adjacent to any public road right-of-way.
- H. Public and private gathering places.
- I. Racetracks.
- J. Solar farms. This facility must also be completely enclosed by a fence located inside the opaque buffer having a height of at least six feet which shall remain locked when the site is not occupied by its Operator(s) or Landowner. The evergreen vegetative buffer requirements specified hereunder shall continue notwithstanding the fact that a Solar Farm is no longer operational and/or falls into disuse unless and until such Solar Farm is decommissioned in compliance with Grady County regulations.

(Ord. of 6-6-2017)

3.5. Lighting.

With the exception of Security Lighting and light emitted from a light source situated inside a Habitable Dwelling or other building, property on which a regulated use has been conducted within the preceding thirty (30) days may only illuminate the exterior portion of the property during the hours of operation permitted by Section 3.3 of this [Article].

3.6. Accessing requirements.

The following uses shall be located so that their public vehicular access to the lot is by major street or highway:

- A. Adult entertainment facility.
- B. Airport.
- C. Amphitheaters.
- D. Flea markets.
- E. Golf driving ranges.
- F. Landfills.
- G. Racetracks.

3.7. Noise restrictions.

A. No regulated use shall cause a sound level of 60 dBA or more for a continuous period of 10 minutes or more, or a maximum peak sound level of 75dBA or more.

B. The noise caused by a regulated use may be measured by an agent or employee of the County or by a law enforcement officer.

C. In measuring the noise caused by a regulated use to determine whether that noise is in compliance with [Sub]Section A, above, the measure shall be taken from the property of the person making the complaint or request for measurement contemplated by [Sub]Section B, above.

D. The measurement of sound or noise shall be made with a sound level meter (the Meter) and that Meter shall be calibrated within seventy-two (72) hours prior to the utilization of the Meter to determine whether a noise caused by a regulated use is in compliance with Section A, above, and that calibration shall be documented. A windscreen shall be used for the Meter as required. Traffic, aircraft, and other transportation and background noise shall not be considered in taking measurements with the Meter.

3.8. Additional regulations for communication towers.

Lots on which a communication tower is located shall also be subject to the following regulations:

- A. Any communication tower and its accessory structures shall be enclosed by a fence not less than six feet in height and shall be equipped with an anti-climbing device.
- B. Communication towers shall not be artificially lighted except as required by the Federal Aviation Administration, State or Federal Law.
- C. Communication providers must co-locate their signaling devices on existing communication towers if possible. A permit for construction of a new tower will only be granted when it is shown by the applicant that no other tower location exists to service the area in which the new tower will provide communication signals. Additionally, newly constructed communication towers must be designed to accommodate multiple users.

3.9. Additional regulations for extractive industries.

Extractive industry facilities shall also be subject to the following regulations:

- A. Product piles, spoil piles, and other accumulations of by-products resulting from the extractive process shall not be created to a height more than 35 feet above the original contour of the land.

3.10. Additional regulations for golf driving ranges.

Golf driving range facilities shall also be subject to the following regulations:

- A. The driving range shall be at least 1,050 feet from the tee box to the back of the range and at least 600 feet wide at a distance of 1,050 feet from the tee box.
- B. The driving range shall be bordered on all sides, except immediately behind the tee box, by safety netting at least 50 feet in height if any portion of the range is located within 1,500 feet of a public street right-of-way.

3.11. Additional regulations for signs and billboards.

The maximum height of any sign or billboard, including its supporting structure, shall be 36 feet. Signs and billboards shall have a maximum of two sign faces. The maximum surface area of any sign face shall be 300 square feet. The lighting for signs shall illuminate the sign only and the lighting shall be white light only. Signs and billboards of a state or county government are exempted from these regulations.

3.12. Additional regulations for shooting ranges.

Shooting ranges for high powered rifles and pistols shall have an earth embankment not less than 15 feet in height, 100 feet in length, and 10 feet in width at the end of the range to serve as a back stop.

3.13. Location of certain types of livestock and farming operations.

The county shall require the following measures for the development of any facilities involving the breeding, hatching, raising, feeding, keeping, slaughtering, or processing livestock and/or chickens, turkeys, poultry or other fowl raised for food for commercial purposes in the production, processing and packing of eggs or egg products having a total number of animals exceeding 100 in number.

- (1) No person shall erect, construct or enlarge any agricultural structure for the purposes mentioned above without first obtaining a building permit from the building official and providing a site plan indicating the location of the livestock/poultry operation structures or building as they are related to adjacent property lines and residential properties. Distance between land uses shall be noted on the site plan. Further, these structures may not be operated or occupied until a final as built survey is provided by the landowner evidencing all structures built are consistent with the site plan and are in compliance with the terms of this ordinance.
- (2) The lot on which a livestock/poultry operation or facility is placed that is subject to this section shall not be less than five acres. All exhaust fans from such operations shall be directed away from existing dwellings whenever possible. All buildings or structures involving livestock or poultry operations shall be located no closer than 250 feet from any adjacent property line and no closer than 100 feet from the boundary of the 100-year flood zone as defined by the Federal Emergency Management Agency (FEMA). The setback of the facility shall be 200 feet from the right-of-way. No livestock or poultry facility as identified above shall be located any closer than 1,500 feet from any habitable dwelling excluding any residential dwelling owned by the livestock/poultry operation owner.
- (3) The planning commission may waive the regulation requiring a distance of 1,500 feet between any proposed livestock or poultry operation any habitable dwelling providing that the developer of the operation obtains a notarized agricultural adjacency form from the owners of every habitable dwelling unit within 1,500 feet. The planning commission may also waive said distance requirements in the case of any proposed residential, commercial or industrial development planning to locate within said distance of an existing livestock or poultry operation, provided that the property owner of the proposed development signs a similar agricultural adjacency form. An agricultural adjacency form shall be notarized. It shall be submitted by the developer at the time of the request for a building permit. The agricultural adjacency form shall state that the adjacent property owner(s) understands that an application for a building permit for a

livestock or poultry related agricultural facility is being requested within 1,500 feet of a habitable dwelling on his property that he understands the proposed (or existing) use may produce odors, noise, dust and other effects which may not be compatible with land uses on property. In the case of a proposed development, it shall state that the proposed building will be constructed within 1,500 feet of an existing livestock or poultry facility. This will be necessary for owners planning to build a new residential, commercial or industrial land use within said distance of an existing livestock or poultry building. Nevertheless, understanding the effects of the livestock or poultry operation, the applicant agrees that by executing the agricultural adjacency form he waives any objection to those effects and understands that permits will only be issued and processed in reliance on his agreement not to bring any action against the local government and the livestock or poultry operation landowner should the facility constitute a nuisance. Any such notice of acknowledgement provided to or executed by a landowner adjoin livestock or poultry related agricultural facility shall be public record.

- (4) Each facility regulated by this Section shall also have located thereon a dry stack house, designed by a certified engineer or architect for dry composting poultry manure generated on the premises. This stack house shall be located no closer than 100 feet from any drinking well (whether this well is located on the premises in which the stack house is located or on a neighboring tract of land), have concrete floors, be covered from exposure to rain and sunlight, and be capable of monitoring internal temperature. Manure shall not exceed 7 feet in depth when stored and shall not exceed a temperature of 180 degrees Fahrenheit when stored.
- (5) Each facility must have an incinerator that is used to burn and destroy dead animals and this incinerator must have a secondary combustion chamber.
- (6) Each facility must have a 30-foot wide, grass buffer, that is located within 100 feet of all facilities, animal houses, stack house, incinerators, and buildings regulated by this Section. This grass buffer must be maintained so long as the facility is in operation.

(Code 1994, § 14-8; Ord. of 9-5-1995; Ord. of 2-16-2016; Ord. of - - -)

3.14-1. Additional regulations for yard sales.

A Yard Sale shall not last more than 3 consecutive days and no property shall have more than 2 Yard Sales per a calendar year. The regulations of yard sales shall not restrict nor apply to any activity on property of a Church or Government Agency (local, state or federal).

(Ord. of 11-15-2016)

3.14-2. Additional regulations for solar farms.

Lots on which a Solar Farm is located shall be subject to the following regulations:

- A. *Removal Requirement/Decommissioning.* Any large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned as defined by these regulations shall be removed. The owner or operator shall physically remove the installation no

more than 150 days after the date of discontinued operations. The owner or operator shall notify the Building Official by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
 2. Disposal of all solids and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 3. Stabilization or re-vegetation of the site as necessary to minimize erosion.
- B. *Abandonment.* Absent notice of a proposed date of decommissioning or a variance issued by the Grady County Board of Commissioners, a Solar Farm shall be considered abandoned when it fails to operate for more than one year. If the owner or operator of the Solar Farm fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, Grady County shall have the right to enter and remove any abandoned, hazardous, or decommissioned Solar Farm equipment or ground-mounted solar energy system. As a condition of a Site Plan approval for the installation of a new Solar Farm, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned Solar Farm, in whole or in part, and further agree to be jointly and severally liable with the landowner for any cost incurred by Grady County in decommissioning the site.
- C. *Surety Bond.* Prior to commencement of construction of a Solar Farm, the permit holder shall provide a surety bond, in the form directed by the Building Official insuring the permit holder's compliance with decommissioning, which shall remain in full force and effect throughout the life of the Solar Farm and continuing until the completion of its proper decommissioning, in an amount equal to at least 10 [percent] of the total construction costs of the Solar Farm. This surety bond shall be in the form of a new or modified guaranty to ensure the availability of funds for such decommissioning costs. The guaranty shall be from an entity having at the time of delivery of such guaranty, a senior unsecured long term debt rating of A or better from Standard and Poor's and A2 or better from Moody's Rating Agencies.
- D. *Height Limit.* Solar Collector height, which shall be measured from the highest finished grade below each solar panel to the top of that panel, shall not exceed 15 feet.

(Ord. of 6-6-2017)

ARTICLE IV. NONCONFORMING USES AND STRUCTURES

4.1. Exemptions.

Specifically exempted from these regulations are those facilities specifically exempted by state or federal law. Further, these regulations shall not require any use existing at the time of the adoption of this ordinance to change or alter its facility or operation except as it related to the hours of use, lighting, or noise. Any expansion of an existing use shall be subject to these regulations as if it were a new use, except as exempted by state law or federal law.

4.2. Existing uses.

Except as specifically restricted above, a use of land, building, or structure which, at the time of the enactment of these regulations, does not comply with these regulations for specific uses may be continued even though such use does not conform to the requirements for the specific uses regulated, except that the use of land, building, or structure shall not be:

- A. Changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged;
- B. Re-established after discontinuance for one year. Vacancy and/or non-use of land or building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision;
- C. Expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure.

**ARTICLE V. WAIVER OF HABITABLE DWELLING OR COMMERCIAL BUILDING
DISTANCE REQUIREMENT FOR EXISTING AND PROPOSED DEVELOPMENT**

5.1. Waiver of setback from habitable dwelling, church or business.

The Grady County Board of Commissioners may waive the setback requirements from habitable dwellings, churches, or businesses as contemplated in Section 3.[2] [of this Appendix] for any specific land use provided all the owners of the affected habitable dwellings, churches, or business within the designated setback area sign and have notarized a potential nuisance adjacency from (waiver). Waivers are not required for structures owned by the applicant seeking approval for a specific use. The waiver(s) shall be submitted at the time application is made with the Building Official. All other requirements may only be waived or amended by the Grady County Board of Commissioners through the variance procedure described below.

5.2. Waiver form.

Potential nuisance adjacency forms can be obtained through the Building Official and shall state the following:

- A. That the effected property owner(s) understands that an application for a building permit is for a use that may create a potential nuisance;
- B. That the proposed use may produce odors, noise, dust and/or other negative effects which may be incompatible with land uses on the property;
- C. That, nevertheless, understanding the potential negative externalities associated with the proposed potential nuisance, the owner (s), by signing the potential nuisance adjacency form, waives any objection to those potential negative effects and understands that permits will only

be issued and processed on reliance on his agreement not to bring any action against the local government and/or the owner(s) of the potential nuisance use should it constitute a nuisance; and

- D. That potential nuisance adjacency forms are required to be completed and filed with the Building Official by anyone seeking to develop in areas that would constitute and encroachment on specific land use setbacks.

ARTICLE VI. ADMINISTRATION, ENFORCEMENT, APPEALS, COMPLAINTS, VARIANCE AND AMENDMENT

6.1. Administration and interpretation.

It shall be the duty of the duly appointed Building Official to administer and interpret all the terms of this Ordinance (hereinafter referred to as the Regulations). To this end, the Building Official appointed by the Board of Commissioners, is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of these Regulations, and to implement the provisions of these Regulations. The Building Official may delegate administrative functions, powers and duties assigned by these Regulations to other staff as may be appropriate, without the need to reflect such delegation by formal action.

6.2. Enforcement.

Any citation issued pursuant to this Ordinance shall be issued to the Manager identified on the registration form submitted in accordance with section 1.5, above. Regardless of the foregoing, if any individual or entity that owns property in Grady County conducts one or more regulated uses on that property prior to compliance with the registration requirements of section 1.5, above, a citation may issue to any individual who maintains an ownership interest in the property or to any individual who maintains an ownership interest in any entity that has an ownership interest in the property, or an officer of any such entity.

6.3. Building permit required.

Unless specifically exempted or otherwise provided by this Regulation, no building, sign, or other structure relating to a regulated use shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Official. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, land, water, or premises, for which a Building Permit is required. Unless specifically exempted or otherwise provided by these Regulations, no land use activity including land disturbance shall be initiated without a Building Permit issued by the Building Official, and except in conformity with said Building Permit. It shall be unlawful to erect, move, add to or structurally alter any building or structure, to use or occupy or to permit the use or occupancy of any building, structure, land, water, or premises, or to initiate any land use activity that is in violation of an approved Building Permit.

6.4. Certificates of occupancy.

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved until the Building Official has issued a certificate of occupancy stating that the provisions of this ordinance have been complied with.

- A. *Certificate validity.* The certificate of occupancy as required for new construction of, or renovation to, existing buildings and structures, in the building code, shall also constitute certificates of occupancy as required by this chapter.
- B. *Certificates for existing buildings.* Certificates of occupancy may be issued for a part of a building or structure or parts thereof, or such use of land, that are in conformity with the provisions of this ordinance.
- C. *Temporary certificates.* Temporary certificates of occupancy may be issued for a part of a building or structure prior to occupation of the entire building or structure provided that such temporary certificates of occupancy shall remain in force for a time period consisting of the lesser of six months or five days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building or structure are in conformity with the provisions of this ordinance.
- D. *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the building official, and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- E. *Certificates for accessory buildings to dwellings.* Accessory building or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- F. *Application for certificates.* Certificates of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten days after the owner provides notice to the Building Official that the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of this chapter. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within ten days of the same notice being given by the applicant to the Building Official.

6.5. Fees.

Fees in connection with the enforcement of these regulations shall be collected by the Building Official and may include the following: fees for application reviews and the issuance of permits or certificates; fees for the advertisement of variance requests; and fees for compliance inspection(s). Fees for the preceding activities shall be collected by the Building Official before such services are rendered. The amount of such fees shall be established by the Grady County Board of Commissioners, from time to time.

6.6. Application procedures.

Following the registration contemplated by Section 1.5, above, and before any work is begun on property upon which a regulated use is conducted, a complete application, including a detailed site plan depicting the project's compliance with these regulations, shall be submitted and approved by the Building Official. The project's approval shall be based upon said site plan. Any changes to the site plan must conform to these regulations and will require separate approval by the Building Official before construction pursuant to the amended plan may commence.

6.7. Refusal of permits or permission.

The Building Official is hereby authorized and directed to deny and withhold permits, certificates or permissions on any new project or application pursuant to these Regulations or other Regulations of the County where the applicant, applicant's business, or agent has failed or refused to comply with these Regulations.

6.8. Appeal of an administrative decision or interpretation.

Any applicant or property owner materially affected by an administrative decision issued by the Building Official pursuant to the terms of this ordinance who alleges that there has been an error in administration or interpretation of these regulations by the Building Official shall have the right to appeal the decision of the Building Official to the Grady County Board of Commissioners (herein after referred to as the Board) by filing an appeal with the County Clerk using forms provided in the Clerk's Office. Such appeal shall be filed with the County Clerk by filing a notice of appeal in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such notice of appeal shall be filed within thirty days after the date the alleged error in administration or interpretation is said to occur. The Board shall then conduct a hearing within forty-five days of the filing of the appeal allowing the appellant and the Grady County Building Official to present such evidence as is relevant to the facts and circumstances surrounding the administrative decision appealed. Within ten days of the hearing the Board shall render a final decision regarding said appeal. If the appellant deems this final decision to be an abuse of discretion, then he may appeal the final decision made by the Board under this standard of review by filing an application for appeal in this Court within thirty days of the issuing of the final decision by the Board.

6.9. Complaints.

Whenever a violation of these regulations occur, or is alleged to have occurred, any affected property owner may file a written complaint. Such complaint shall state clearly and fully the causes and basis of the complaint and shall be filed with the Building Official. The Building Official shall record properly such complaint, investigate, and take action thereon as may be appropriate to enforce these regulations.

6.10. Stop work order.

The Building Official is hereby authorized to issue written stop work and cease and desist orders that shall take effect immediately for any activity that fails to comply with the provisions of these regulations. Such stop work or cease and desist orders may be lifted at such time as the Building Official is satisfied

that a good faith effort is being made to comply with applicable provisions of these Regulations. Nothing shall prevent the Building Official from reissuing stop work or cease and desist orders where warranted.

6.11. Injunction.

If any land is used, or building, structure, or other activity is established or maintained in violation of these Regulations, the Building Official is authorized to and may institute, in addition to other remedies an injunction or undertake other appropriate action to cause the violation to cease or to be corrected.

6.12. Variance.

The Grady County Board of Commissioners shall have the power to authorize upon petition such variance from the terms of these regulations such as will not be contrary to the public interest, where a literal enforcement of the land use requirements would result in undue hardship. Application for a variance shall be filed by the owner, with the Building Official, thirty days before the next scheduled meeting of the Board of Commissioners on forms provided by the Building Official. Public notice of the consideration of a variance shall be given no less than fifteen days or more than forty-five days prior to the meeting of the County Commissioners when such request will be considered and action may be taken. Public hearing notices will be published within a newspaper of general circulation within Grady County. Additionally, a sign containing the public notice information shall be placed in a conspicuous location on the subject property not less than 15 days prior to the date of the hearing. The public notices will state the time, place and purpose of the requested variance hearing.

6.13. Criteria for the consideration of a variance.

(a) *Hardship Variance.* The following criteria shall be used when considering specific cases where the granting of a variance from the terms of these regulations will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship so that the spirit of these regulations shall be observed, public safety and welfare ensured, and substantial justice done. Such variance may be granted in upon the finding of the Board of Commissioners that:

1. The application of these Regulations to a particular tract or parcel of land would create an undue hardship on the owner thereof; and
2. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of these Regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by these Regulations or State and/or Federal Laws; and
3. The proposed use will be such location, size, and character that it will be in harmony with the appropriate and orderly development of surrounding properties.

(b) *Special Event Variance.* For Special Events, the Board of Commissioners may grant a variance from the permitted hours of operation set forth herein, upon the following conditions:

1. The duration of such variance shall not exceed one weekend, beginning Friday at 4:00 p.m. and ending at 4:00 p.m. the Sunday immediately following; and

2. No more than two such variances have been granted for a particular tract or parcel during the twelve months preceding the proposed date of the Special Event; and
3. The applicant has made adequate arrangements for parking and traffic control; and
4. The applicant has made adequate arrangements for sanitation; and
5. The applicant has made adequate arrangements for the health and safety of attendees; and
6. The Special Event and/or variance will not create a nuisance or hazard to other landowners or citizens of Grady County; and
7. The applicant's event complies with all relevant laws, rules, and regulations, both state and federal, and the applicant demonstrates that the applicant has obtained all permits required by such laws, rules, and regulations.

(Ord. of 7-6-2021)

6.14. Appeal of variance.

If a variance application is denied by the Grady County Board of Commissioners, the Board of Commissioners shall send the applicant by mail, with receipt confirmation by the post office, a written decision on the final action including the appellate procedure within ten days of the decision being made. The applicant whose application was denied may appeal said final decision to the Superior Court of Grady County, Georgia. Such appeal shall be filed with the Clerk of said court by filing a notice of appeal in writing setting forth plainly, fully and distinctly herein the reason(s) such decision is contrary to law. Such notice of appeal shall be filed within thirty days after the decision of the Board of Commissioners is rendered. A copy of the notice of appeal shall be served on the Grady County Clerk and filed in the Grady County Superior Court and within thirty days from the time of such notice, the Grady County Clerk shall file with said Clerk of Superior Court, a duly certified copy of the minutes of the proceedings of the Board of Commissioners Public Hearing and the decision rendered by the Board of Commissioners.

6.15. Amendments.

These Regulations for Specific Land Uses may be amended at the discretion of the Grady County Board of Commissioners. A public hearing will be set and held prior to the adoption of any amendment by the Board of Commissioners and public notice will be given no less than fifteen days or more than forty-five days prior to the official public hearing date. Public hearing notices will be published within a newspaper of general circulation within Grady County. The public notice will state the time, place and purpose of both hearings.

ARTICLE VII. VIOLATIONS AND PENALTIES, CONFLICTING REGULATIONS, VALIDITY AND SEVERABILITY, AND ADOPTION AND EFFECTIVE DATE

7.1. Penalties for violation of ordinances.

Any person violating any of the provisions of these Regulations shall be punished by a fine or imprisonment, or both. Each day that a violation is permitted to exist shall constitute a separate offense. In no case shall the maximum punishment for any single violation of any provisions of these Regulations exceed a fine of \$1,000.00 or imprisonment for 60 days or both.

7.2. Conflict with other laws.

Whenever the provision of these Regulations require or impose more restrictive standards than are required in or under any other County Regulations, the requirements of these Regulations shall govern. Whenever the provisions of any state or federal statute requires more restrictive standards than are required by these Regulations, the provisions of such state or federal statute shall govern.

7.3. Validity and severability.

Should any section or provision of these Regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Regulations as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

7.4. Repeal of conflicting regulations.

All Regulations and parts of Regulations in conflict herewith are repealed to the extent necessary to give these Regulations full force and effect, except that any regulations repealed by this provision shall not limit or impair the county's authority to enforce such Regulations to the extent that violations thereof occurred prior to repeal.

7.5. Codification.

It is the intention of the Board of Commissioners, and is hereby resolved that the provisions of this [Article] shall become and be made part of the official code of County of Grady, and the sections of this [Article] may be renumbered or reorganized to accomplish such intention. Any ordinances in conflict with any of the provisions adopted herein are hereby repealed.

7.6. Adoption and effective date.

This [Article] was originally adopted November 16th, 2004, and amended October 6th, 2009. The [Article] as amended shall be effective immediately upon its adoption, the public welfare demanding it.

Chairman, Grady County Board of Commissioners

ATTEST:

County Clerk

APPENDIX

GRADY COUNTY CODE ENFORCEMENT

250 N. BROAD ST. BOX 6, CAIRO, GEORGIA 39828

Phone 229/377-8857, Fax 229/377-6947

SPECIFIC LAND USE REGISTRATION APPLICATION

Landowner

Address _____ City _____ State _____

Zip _____

Phone _____ Fax _____

Cell _____

Manager's Name _____

Phone _____

Business Name _____

Tax Location: Land lot _____ Land dist. _____ Map _____

Parcel _____

Business Address _____ City _____

State ____ Zip _____

Business Phone _____ Fax _____

Cell _____

Mailing Address _____ City _____

State ____ Zip _____

Type of Business _____

Owner's Signature _____

Date _____

Manager's Signature _____

Date _____

CK# _____

REC # _____

GRADY COUNTY VARIANCE APPLICATION LAND USE REGULATIONS

250 N. Broad St. Box 6, Cairo, GA 39828

229/377-8857, Fax 229/377-6947

File # _____ Permit # _____ Date _____

Name of Applicant: _____ Phone: _____

Address of Applicant: _____

In order that the general health, safety and welfare of the citizens of Grady County may be preserved, and substantial justice maintained, I (we) the undersigned respectfully request in connection with the property hereinafter described:

The subject property is described as follows:

(Attach copy of deed)

Characteristics of the subject property, which prevent compliance with the requirements of this Regulation:

The particular hardship, which would result if the specified requirements of this Regulation were applied to the subject property:

A site plan depicting the variance requested and any pertinent information necessary for the Board of Commissioners to render a decision:

The property is presently used for:

The current use has existed since:

Property Location: _____ Tax Map: _____ Tax Parcel: _____

Land Lot: _____ District: _____

Total Acreage: _____

I hereby certify that I am the owner, or legal agent of the owner, in fee simple of the above-described property.

WITNESS: _____ SIGNED: _____

DATE: _____

WAIVER FOR HABITABLE DWELLING, CHURCH OR BUSINESS SETBACK DISTANCE REQUIREMENTS FOR EXISTING AND/OR PROPOSED DEVELOPMENT IN GRADY COUNTY, GEORGIA

(Attach legal description of tract for which a variance is applied for as Exhibit A)

This waiver form is required to be completed and filed with the Grady County building official by anyone seeking to develop in areas of Grady County, Georgia that would constitute an encroachment on specific land use setbacks to habitable dwellings or commercial buildings and is drafted in compliance with Article 5 of Grady County, Georgia's Regulations for Specific Land Uses titled Waiver of Habitable Dwelling, Church or Business Distance Requirement for Existing and Proposed Development.

In consideration of the mutual promises and covenants herein contained, and for other good and valuable consideration, the sufficiency of which is herein acknowledged by the undersigned; the undersigned, being of sound mind and legal capacity, herein acknowledges that he/she is the owner of a habitable dwelling, church or business located at:

____ (insert street address) as defined by the land use regulations of Grady County, Georgia, and is executing this waiver to assist the variance application of:

____ (insert owner of neighboring tract), the owner of the neighboring tract described on the attached exhibit A and more particularly identified as parcel ____ of map ____ of the Grady County Tax Assessors maps for the year in which this waiver is executed (said tract is hereinafter referred to as the "neighboring tract").

The undersigned requests that the Grady County Board of Commissioners issue a variance to its land use regulations allowing the owner of the neighboring tract to erect and/or construct improvements constituting a regulated use as defined by the land use ordinance of Grady County, Georgia on his/her property without any regard or requirement for a setback from the habitable dwelling, church or business owned by the undersigned. In executing this waiver, the undersigned acknowledges:

(Initial next to each number)

1. ____ That he/she is executing this document freely and voluntarily and has had the opportunity to read and review this document and understands its terms and has had the opportunity to review it with his/her attorney if he/she so chooses.
2. ____ That the undersigned herein waives any objections to any use(s) or development, now existing or hereinafter created, on the tract described in the exhibit A. This waiver includes, but is not limited to, the protections of any statutes or local ordinances of Grady County, Georgia in effect at the time of execution of this waiver or adopted hereafter, and is not limited to the protections provided by the setback requirements for habitable dwellings, church or business but includes all the protections of all the ordinances provided by Grady County, Georgia. The undersigned herein forever releases Grady County, Georgia, from any and all liability as a result of the use(s) or the real property described in the exhibit A and further waives any claim of private or public nuisance against Grady County, Georgia or the owner of the neighboring tract, whether said claim is known or unknown at the time of execution of this agreement.
3. ____ That he/she understands that the terms of this waiver shall bind all the undersigned's successors, heir and/or assigns to their property and as such is irrevocable. The waiver shall act as a covenant running with the land and may be recorded in the Deed Records of Grady County, Georgia to provide the public notice of its terms.
4. ____ The proposed use on the neighboring tract may produce odors, noise, dust and/or other negative effects which may be incompatible with land uses on the undersigned's property.
5. ____ Nevertheless, understanding the potential negative externalities associated with the proposed potential nuisance, the undersigned, by signing this waiver, waives any objection to those potential negative effects and understands that Grady County may issue permits and/or grant variances to its ordinances in reliance on this agreement.

This _____ day of _____ 20____.

_____ (Seal)

(Sign here)

(Print Name)

(Street Address)

Signed, sealed and delivered in the presence of:

(unofficial witness)

Notary Public: _____ County, My Commission Expires: _____

(AFFIX SEAL)

**LIVESTOCK WAIVER FOR HABITABLE DWELLING, CHURCH OR BUSINESS SETBACK
DISTANCE REQUIREMENTS FOR EXISTING AND/OR PROPOSED DEVELOPMENT IN
GRADY COUNTY, GEORGIA**

(Attach legal description of tract for which a variance is applied for as Exhibit A)

This waiver form is required to be completed and filed with the Grady County building official by anyone seeking to develop in areas of Grady County, Georgia that would constitute an encroachment on specific land use setbacks to habitable dwellings or commercial buildings and is drafted in compliance with Article 1 Sections 14.5, Georgia's Regulations for location of certain type of livestock and farm operations Waiver of Habitable Dwelling, Church or Business Distance Requirement for Existing and Proposed Development.

In consideration of the mutual promises and covenants herein contained, and for other good and valuable consideration, the sufficiency of which is herein acknowledged by the undersigned; the undersigned, being of sound mind and legal capacity, herein acknowledges that he/she is the owner of a habitable dwelling, church or business located at:

_____ (insert street address) as defined by the location of certain type of livestock and farm operations of Grady County, Georgia, and is executing this waiver to assist the waiver application of: _____ (insert owner of neighboring tract), the owner of the neighboring tract described on the attached exhibit A and more particularly identified as parcel ____ of map ____ of the Grady County Tax Assessors maps for the year in which this waiver is executed (said tract is hereinafter referred to as the neighboring tract).

The undersigned requests that the Grady County Planning Commission issue a waiver to its land use regulations allowing the owner of the neighboring tract to erect and/or construct improvements constituting a regulated use as defined by the Building and Building Regulation ordinance of Grady County, Georgia on his/her property without any regard or requirement for a setback from the habitable dwelling, church or business owned by the undersigned. In executing this waiver, the undersigned acknowledges:

(Initial next to each number)

1. ____ That he/she is executing this document freely and voluntarily and has had the opportunity to read and review this document and understands its terms and has had the opportunity to review it with his/her attorney if he/she so chooses.

2. ____ That the undersigned herein waives any objections to any use(s) or development, now existing or hereinafter created, on the tract described in the exhibit A. This waiver includes, but is not limited to, the protections of any statutes or local ordinances of Grady County, Georgia in effect at the time of execution of this waiver or adopted hereafter, and is not limited to the protections provided by the setback requirements for habitable dwellings, church or business but includes all the protections of all the ordinances provided by Grady County, Georgia. The undersigned herein forever releases Grady County, Georgia, from any and all liability as a result of the use(s) or the real property described in the exhibit A and further waives any claim of private or public nuisance against Grady County, Georgia or the owner of the neighboring tract, whether said claim is known or unknown at the time of execution of this agreement.
3. ____ That he/she understands that the terms of this waiver shall bind all the undersigned's successors, heir and/or assigns to their property and as such is irrevocable. The waiver shall act as a covenant running with the land and may be recorded in the Deed Records of Grady County, Georgia to provide the public notice of its terms.
4. ____ The proposed use on the neighboring tract may produce odors, noise, dust and/or other negative effects which may be incompatible with land uses on the undersigned's property.
5. ____ Nevertheless, understanding the potential negative externalities associated with the proposed potential nuisance, the undersigned, by signing this waiver, waives any objection to those potential negative effects and understands that Grady County may issue permits and/or grant variances to its ordinances in reliance on this agreement.

This _____ day of _____ 20____.

_____ (Seal)

(Sign here)

(Print Name)

(Street Address)

Signed, sealed and delivered in the presence of:

(unofficial witness)

Notary Public: _____ County, My Commission Expires: _____

(AFFIX SEAL)

CODE COMPARATIVE TABLE

1994 CODE

This table gives the location within this Code of those sections of the 1994 Code, as updated through January 5, 2021, which are included herein. Sections of the 1994 Code, as updated, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

1994 Code Section	Section this Code	1994 Code Section	Section this Code
1-1	1-1	6-36	4-37
1-2	1-2	6-37	4-38
1-3	1-3	6-38	4-39
1-4	1-4	6-39	4-40
1-5	1-5	6-71	4-95
1-6	1-6	6-72	4-96
1-7	1-7	6-73	4-97
1-8	1-8	6-74	4-98
1-9	1-9	6-75	4-99
1-10	1-10	6-76	4-100
1-11	1-11	6-86	4-129
1-12	1-12	6-87	4-130
2-1	2-1	6-88	4-131
2-2	2-2	6-89	4-132
2-3	2-3	6-90	4-133
2-26	2-25	6-91	4-134
2-27	2-26	6-92	4-135
2-28	2-27	6-93	4-136
2-51	2-58	10-1	6-1
2-61	2-77	10-2	6-2
2-62	2-78	10-3	6-3
2-63	2-79	10-4	6-4
2-64	2-80	10-5	6-5
2-65	2-81	10-6	6-6
2-66	2-82	10-7	6-7
2-67	2-83	10-8	6-8
6-1	4-2	10-9	6-9
6-2	4-3	10-10	6-10
6-3	4-4	10-11	6-11
6-26	4-27	10-12	6-12
6-27	4-28	10-13	6-13
6-28	4-29	10-14	6-14
6-29	4-30	10-15	6-15
6-30	4-31	10-16	6-16
6-31	4-32	10-17	6-17
6-32	4-33	14-8	3.13
6-33	4-34	14-56	8-31
6-34	4-35	14-57	8-32
6-35	4-36	14-58	8-33

GRADY COUNTY CODE

1994 Code Section	Section this Code
14-59	8-34
14-61	8-35
14-71	8-59
14-72	8-60
14-73	8-61
14-74	8-62
18-36	10-57
18-37	10-58
18-38	10-59
18-39	10-60
18-40	10-61
18-42	10-62
18-44	10-63
18-46	10-64
20-31	12-19
20-32	12-20
20-33	12-21
20-34	12-22
20-35	12-23
20-36	12-24
20-51	12-52
21-26	14-19
21-27	14-20
21-28	14-21
32-26	20-19
35-1(a)	24-22
35-1(b)	24-23
35-1(c)	24-24
35-1(d)	24-25
35-1(e)	24-26
40-1	28-1
40-26	28-21
40-27	28-22
40-28	28-23
40-29	28-24
40-30	28-25
40-31	28-26
40-32	28-27
40-33	28-28
40-34	28-29
40-35	28-30
40-36	28-31
40-37	28-32
40-38	28-33
48-1	32-1
48-2	32-2
52-1	34-1

CODE COMPARATIVE TABLE

LEGISLATION

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Legislation	Date	Section	Section this Code
Ord. of - - -		—	App. B, § 3.13
Res. of 10-5-1982	10-5-1982	—	2-3
Res. of 2-15-1983	2-15-1983	—	2-3
Ord. of 5-1-1988	5-1-1988	1	4-2
		2	4-3
		3	4-4
		4	4-27
		5	4-28
		6	4-29
		7	4-30
		8	4-31
		9	4-32
		10	4-33
		11	4-34
		12	4-35
		13	4-36
		14	4-37
		15	4-38
		16	4-39
		17	4-40
		18	4-95
		19	4-96
		20	4-97
		21	4-98
		22	4-99
		23	4-100
		24	4-129
		25	4-130
		26	4-131
		27	4-132
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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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