

THE CODE
OF THE CITY OF
TENNILLE, GEORGIA

Published in 2013 by Order of the City Council



municode

Municipal Code Corporation • PO Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

OFFICIALS

of the

CITY OF

TENNILLE, GEORGIA

AT THE TIME OF THIS CODIFICATION

John M. Wilbanks
Mayor

Booker T. Coleman
Brainard Crawford
G. Napoleon Jenkins, Jr.
Betty W. Parrett
Deborah E. Rhodes
Marcia K. Walker
City Council

Adam W. Martin
City Coordinator

Robert W. Wommack, Jr.
City Attorney

Amy M. Cochran
City Clerk

PREFACE

This Code constitutes a codification of the general and permanent ordinances of the City of Tennille, Georgia.

Source materials used in the preparation of the Code were the ordinances adopted by the City Council. 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 ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been provided catchlines 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:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

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 Daniel Walker, Code Attorney, and D. J. Heath, 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 the Jennifer May, Municipal Court Clerk, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the City of Tennille, Georgia. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of Tennille, Georgia.

© Copyrighted material.

Municipal Code Corporation and the City of Tennille, Georgia. 2013.

TABLE OF CONTENTS

	Page
Officials of the City at the Time of this Codification	iii
Current Officials (Reserved).....	v
Preface	vii
Adopting Ordinance (Reserved)	

CHARTER

Charter.....	CHT:1
Art. I. Incorporation and Powers	CHT:5
Art. II. Government Structure	CHT:10
Art. III. Administrative Affairs.....	CHT:18
Art. IV. Judicial Branch	CHT:21
Art. V. Elections and Removal	CHT:22
Art. VI. Finance	CHT:24
Art. VII. General Provisions	CHT:29
App. A. City Council Election Districts	CHT:31
Charter Comparative Table—Georgia Laws	CHTCT:1

CODE OF ORDINANCES

Chapter	
1. General Provisions.....	CD1:1
2. Administration	CD2:1
Art. I. In General.....	CD2:3
Art. II. Municipal Court Prosecuting Attorney.....	CD2:3
Art. III. Code of Ethics	CD2:4
3. Reserved.....	CD3:1
4. Alcoholic Beverages.....	CD4:1
Art. I. In General.....	CD4:3
Art. II. Mixed Drink on Premises	CD4:3
5. Reserved.....	CD5:1
6. Animals.....	CD6:1
Art. I. In General.....	CD6:3
Art. II. Rabies	CD6:3
7. Reserved.....	CD7:1
8. Buildings and Building Regulations.....	CD8:1
Art. I. In General.....	CD8:3
Art. II. Construction Codes	CD8:3

TENNILLE CODE OF ORDINANCES

Chapter	Page
Art. III. Derelict Property	CD8:4
Art. IV. Preowned Manufactured Housing Standards ..	CD8:13
9. Reserved.....	CD9:1
10. Businesses and Business Regulations	CD10:1
Art. I. In General	CD10:3
Art. II. Occupation Tax.....	CD10:3
Art. III. Pawnbrokers and Secondhand Dealers	CD10:9
11. Reserved.....	CD11:1
12. Emergency Management	CD12:1
13. Reserved.....	CD13:1
14. Environment	CD14:1
Art. I. In General	CD14:3
Art. II. Noise	CD14:3
Div. 1. Generally.....	CD14:3
Div. 2. Unnecessary Noises Which Injure or Endanger the Comfort or Safety Within Limits of City	CD14:3
Div. 3. Engine Braking	CD14:4
Art. III. Air Pollution	CD14:4
Div. 1. Generally.....	CD14:4
Div. 2. Control Measure Requirements.....	CD14:10
Art. IV. Soil Erosion and Sedimentation Control.....	CD14:13
15. Reserved.....	CD15:1
16. Fire Prevention and Protection	CD16:1
17. Reserved.....	CD17:1
18. Flood Damage Prevention	CD18:1
Art. I. In General	CD18:3
Art. II. Administration	CD18:5
Art. III. Provisions for Flood Hazard Reduction	CD18:7
19. Reserved.....	CD19:1
20. Historic Preservation	CD20:1
Art. I. In General	CD20:3
Art. II. Historic District	CD20:13
21. Reserved.....	CD21:1
22. Law Enforcement.....	CD22:1
23. Reserved.....	CD23:1
24. Offenses and Miscellaneous Provisions	CD24:1
Art. I. In General	CD24:3
Art. II. Offenses Concerning Property Rights.....	CD24:5
25. Reserved.....	CD25:1

TABLE OF CONTENTS—Cont'd.

Chapter	Page
26. Parks and Recreation	CD26:1
27. Reserved.....	CD27:1
28. Solid Waste	CD28:1
Art. I. In General	CD28:3
Art. II. Litter Control	CD28:3
29. Reserved.....	CD29:1
30. Streets, Sidewalks and Other Public Properties	CD30:1
Art. I. In General	CD30:3
Art. II. Assemblies On Public Property	CD30:5
31. Reserved.....	CD31:1
32. Subdivisions (Reserved).....	CD32:1
33. Reserved.....	CD33:1
34. Taxation (Reserved).....	CD34:1
35. Reserved.....	CD35:1
36. Traffic	CD36:1
37. Reserved.....	CD37:1
38. Utilities.....	CD38:1
Art. I. In General	CD38:3
Art. II. Wastewater and Sewerage.....	CD38:4
Art. III. Prohibited Discharges	CD38:6
Art. IV. Water	CD38:10
Art. V. Illicit Discharge and Illegal Connection	CD38:11
Div. 1. Generally.....	CD38:11
Div. 2. Prohibitions.....	CD38:14
Div. 3. Violations, Enforcement and Penalties	CD38:17
39. Reserved.....	CD39:1
40. Zoning	CD40:1
Art. I. In General	CD40:5
Art. II. Zoning Districts	CD40:17
Art. III. Schedule of Permitted Uses and Development Standards	CD40:19
Art. IV. Special Provisions for Certain Uses	CD40:28
Art. V. Off-Street Parking and Service Requirements ..	CD40:35
Art. VI. Sign Regulations.....	CD40:39
Art. VII. Nonconformances	CD40:41
Art. VIII. Administration, Enforcement and Penalties .	CD40:44
Art. IX. Appeal Procedure	CD40:46
Art. X. Amendments	CD40:47
Art. XI. Legal Status Provisions.....	CD40:49
 Appendix	
A. Rates, Fees and Charges (Reserved)	CDA:1

TENNILLE CODE OF ORDINANCES

	Page
Code Comparative Table—Ordinances	CCT:1
State Law Reference Table	SLT:1
Charter Index	CHTi:1
Code Index	CDi:1

CHARTER*

Article I. Incorporation and Powers

- Sec. 1.10. Name.
- Sec. 1.11. Corporate boundaries.
- Sec. 1.12. Powers and construction.
- Sec. 1.13. Specific power.
- Sec. 1.14. Exercise of powers.

Article II. Government Structure

- Sec. 2.10. City council creation; number; election districts.
- Sec. 2.11. City councilmembers; terms and qualifications for office.
- Sec. 2.12. Vacancy; filling of vacancies.
- Sec. 2.13. Compensation and expenses.
- Sec. 2.14. Holding other offices; voting when financially interested.
- Sec. 2.15. Inquiries and investigations.
- Sec. 2.16. General power and authority of the city council.
- Sec. 2.17. Eminent domain.
- Sec. 2.18. Organizational meetings.
- Sec. 2.19. Regular and special meetings.
- Sec. 2.20. Rules of procedure.
- Sec. 2.21. Quorum; voting.
- Sec. 2.22. Ordinance and resolution form; procedures.
- Sec. 2.23. Action requiring an ordinance.
- Sec. 2.24. Emergencies.
- Sec. 2.25. Codes of technical regulations.
- Sec. 2.26. Signing; authenticating; recording; codification; printing.
- Sec. 2.27. Election of mayor; forfeiture; compensation.
- Sec. 2.28. Mayor pro tempore; selection; duties.
- Sec. 2.29. Powers and duties of mayor.
- Sec. 2.30. Limitation on terms of service.
- Sec. 2.31. Submission of ordinances to the mayor.

Article III. Administrative Affairs

- Sec. 3.10. Administrative and service departments.
- Sec. 3.11. Boards, commissions, and authorities.
- Sec. 3.12. City attorney.
- Sec. 3.13. City clerk.
- Sec. 3.14. Position classification and pay plans.

***Editor's note**—Printed below is the city Charter, being 2009 Ga. Laws (Act No. 335), page 4370, House Bill 541. 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 have been corrected without notation. Additions for clarity are indicated by brackets.

TENNILLE CODE OF ORDINANCES

Sec. 3.15. Personnel policies.

Article IV. Judicial Branch

Sec. 4.10. Creation; name.
Sec. 4.11. Chief judge; associate judge.
Sec. 4.12. Convening.
Sec. 4.13. Jurisdiction; powers.
Sec. 4.14. Certiorari.
Sec. 4.15. Rules for court.

Article V. Elections and Removal

Sec. 5.10. Applicability of general law.
Sec. 5.11. Regular elections; time for holding.
Sec. 5.12. Nonpartisan elections.
Sec. 5.13. Election by majority.
Sec. 5.14. Special elections; vacancies.
Sec. 5.15. Other provisions.
Sec. 5.16. Removal of officers.

Article VI. Finance

Sec. 6.10. Property tax.
Sec. 6.11. Millage rate; due dates; payment methods.
Sec. 6.12. Occupation and business taxes.
Sec. 6.13. Regulatory fees; permits.
Sec. 6.14. Franchises.
Sec. 6.15. Service charges; user fees.
Sec. 6.16. Special assessments.
Sec. 6.17. Construction; other taxes.
Sec. 6.18. Collection of delinquent taxes and fees.
Sec. 6.19. General obligation bonds.
Sec. 6.20. Revenue bonds.
Sec. 6.21. Short-term loans.
Sec. 6.22. Lease-purchase contracts.
Sec. 6.23. Fiscal year.
Sec. 6.24. Preparation of budget.
Sec. 6.25. Submission of operating budget to city council.
Sec. 6.26. Action by city council on budget.
Sec. 6.27. Levy of taxes.
Sec. 6.28. Changes in appropriations.
Sec. 6.29. Capital budget.
Sec. 6.30. Independent audit.
Sec. 6.31. Contracting procedures.
Sec. 6.32. Centralized purchasing.
Sec. 6.33. Sale and lease of city property.

Article VII. General Provisions

Sec. 7.10. Bonds for officials.

CHARTER

- Sec. 7.11. Existing ordinances, resolutions, rules, and regulations.
- Sec. 7.12. Existing personnel and officers.
- Sec. 7.13. Pending matters.
- Sec. 7.14. Construction.
- Sec. 7.15. Severability.
- Sec. 7.16. Repealer.
- Sec. 7.17. General repealer.

Appendix A. City Council Election Districts

House Bill 541 (AS PASSED HOUSE AND SENATE)

By: Representative Jackson of the 142nd

A BILL TO BE ENTITLED

AN ACT

To provide a new Charter for the City of Tennille; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and a mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to provide for the conveyance of property; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I. INCORPORATION AND POWERS

Sec. 1.10. Name.

This city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style City of Tennille, Georgia, and by that name shall have perpetual succession.

Sec. 1.11. Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently at City Hall and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Tennille,

Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

Sec. 1.12. Powers and construction.

(a) The city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. The city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.

(b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city.

Sec. 1.13. Specific power.

(1) *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this Charter.

(2) *Alcoholic beverages.* To regulate the sale of all distilled spirits, wines, malt beverages, and other alcoholic beverages; and to pass such ordinances touching on said matter as they may deem proper, that are not inconsistent with the laws of this state or of the United States.

(3) *Appropriations and expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city.

(4) *Building regulation.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades.

(5) *Business regulation and taxation.* To levy and to provide for collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees.

(6) *Condemnation.* To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted.

(7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations.

(8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city.

(9) *Environmental protection.* To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment.

(10) *Fire regulations.* To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof.

(11) *Garbage fees.* To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business in the city benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges.

(12) *General health, safety, and welfare.* To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards.

(13) *Gifts.* To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose.

(14) *Health and sanitation.* To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(15) *Jail sentences.* To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials.

(16) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city.

(17) *Municipal agencies and delegation of power.* To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same.

(18) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this Charter or the laws of the State of Georgia.

(19) *Municipal property ownership.* To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city.

(20) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof.

(21) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same.

(22) *Nuisance.* To define a nuisance and provide for its abatement, whether on public or private property.

(23) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia.

(24) *Planning and land development regulation[s].* To provide comprehensive planning for growth and development within the city by preparing comprehensive, special area, transportation, capital facility, recreation and other similar planning documents; and by adopting and applying land development financing, regulation and incentive programs such as zoning, subdivision regulation, historic preservation districts, impact fees, community or business improvement districts, transfer of development rights, and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community.

(25) *Police and fire protection.* To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a firefighting agency.

(26) *Public hazards; removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public.

(27) *Public improvements.* To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, public grounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and charitable, cultural,

educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted.

(28) *Public peace.* To provide for the prevention and punishment of drunkenness, riots, and public disturbances.

(29) *Public transportation.* To organize and operate, or to contract for the operation of such public transportation systems as are deemed beneficial.

(30) *Public utilities and services.* To grant franchises or make contracts for or impose taxes on public utilities and public service companies and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission.

(31) *Regulation of roadside areas.* To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances.

(32) *Retirement.* To provide and maintain a retirement plan for officers and employees of the city.

(33) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so.

(34) *Sewer fees.* To levy a fee, charge, or sewer tax as necessary to ensure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system.

(35) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items.

(36) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of any intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors.

(37) *Special assessments.* To levy and provide for the collection of special assessments to cover the costs for any public improvements.

(38) *Taxes—Ad valorem.* To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation.

(39) *Taxes—Other.* To levy and collect such other taxes as may be allowed now or in the future by law.

(40) *Taxicabs.* To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles.

(41) *Urban redevelopment.* To organize and operate an urban redevelopment program.

(42) *Other powers.* To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated in this Charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

Sec. 1.14. Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II. GOVERNMENT STRUCTURE

Sec. 2.10. City council creation; number; election districts.

(a) The legislative authority of the government of this city, except as otherwise specifically provided in this Charter, shall be vested in a city council to be composed of a mayor and six councilmembers. The city council established in this Charter shall in all respects be a successor to and continuation of the city governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by this Charter.

(b) For the purposes of electing members of the city council, the city shall be divided into three districts, each containing two posts, identified as "Post 1" and "Post 2," respectively, which may be filled according to the procedures provided in section 5.11 of this Charter.

(c) City council districts shall consist of that territory within the City of Tennille contained in the description of the districts attached to this Act as Appendix A, and as hereafter amended by the city council by ordinance to accommodate reapportionment in conformance with Chapter 35 of Title 36 of the O.C.G.A.

Sec. 2.11. City councilmembers; terms and qualifications for office.

(a) The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified.

(b) No person shall be eligible to serve as councilmember unless that person shall have been a resident of the city for 12 months prior to the date of the election of councilmembers; each shall continue to reside therein during that person's period of service and to be registered and qualified to vote in municipal elections of this city.

Sec. 2.12. Vacancy; filling of vacancies.

(a) *Vacancies.* The office of mayor or councilmember shall become vacant upon such person's failing or ceasing to reside in the city or upon the occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) *Filling of vacancies.* A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in section 5.14 of this Charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) *Applicability.* The provisions of subsection (b) of this section shall apply, without limitation, to temporary vacancies created by the suspension from office of the mayor or any councilmember.

Sec. 2.13. Compensation and expenses.

The city council may determine by ordinance the annual salary of the mayor and councilmembers. The mayor and councilmembers may receive their actual and necessary expenses incurred in the performance of their duties of office.

Sec. 2.14. Holding other offices; voting when financially interested.

(a) *Fiduciary capacity.* Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) *Conflict of interest.* No elected official, appointed officer, or employee of the city or any agency or political entity to which this Charter applies shall knowingly:

- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;
- (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;
- (3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;
- (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (5) Represent other private interests in any action or proceeding against this city or any portion of its government; or
- (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.

(c) *Disclosure.* Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) *Use of public property.* No elected official, appointed officer, or employee of the city or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(e) *Contracts voidable and rescindable.* Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.

(f) *Ineligibility of elected official.* Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that person was elected. No former councilmember and no former mayor shall hold any compensated appointive office in the city until one year after the expiration of the term for which that person was elected.

(g) *Political activities of certain officers and employees.* No appointed officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and the council either immediately upon election or at any time such conflict may arise.

(h) *Penalties for violation.*

- (1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.
- (2) Any officer or employee of the city who shall forfeit that person's office or position as described in paragraph [(h)](1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

Sec. 2.15. Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

Sec. 2.16. General power and authority of the city council.

(a) Except as otherwise provided by law or this Charter, the city council shall be vested with all the powers of government of this city.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the state

of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life or property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Tennille and may enforce such ordinances by imposing penalties for violation thereof.

Sec. 2.17. Eminent domain.

The city council is empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the city and to regulate the use thereof and, for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

Sec. 2.18. Organizational meetings.

The city council shall hold an organizational meeting on the first Monday in January following each general municipal election. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows: "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

Sec. 2.19. Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or four members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made as fully as is reasonably possible as provided by Code section 50-14-1 of the O.C.G.A., or other such applicable laws as are now or may hereafter be enacted.

Sec. 2.20. Rules of procedure.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this Charter and shall provide for keeping of a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairpersons and officers of the city council shall be chosen by a vote of the councilmembers.

Sec. 2.21. Quorum; voting.

(a) Four councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this Charter, the affirmative vote of four councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

(b) An abstention noted on the record shall be counted as a negative vote.

(c) The mayor shall have no vote upon the adoption of ordinances or resolutions except in the case of a tie, in which case the mayor's vote shall be recorded in the same manner as if cast by a councilmember. This provision shall also be applicable for purposes of adopting emergency ordinances as established in section 2.24 of this Charter.

Sec. 2.22. Ordinance and resolution form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be: "It is hereby ordained by the governing authority of the City of Tennille . . ." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in section 2.24 of this Charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

Sec. 2.23. Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

Sec. 2.24. Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or four councilmembers and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least four councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

Sec. 2.25. Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of section 2.22(b) of this Charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
- (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to section 2.26 of this Charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

Sec. 2.26. Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) In accordance with section 7.11 of this Charter, the city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Tennille, Georgia." Copies of the Code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this Charter and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code codified in conformance with [this section] sections 2.26 and 7.11 of this Charter and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Sec. 2.27. Election of mayor; forfeiture; compensation.

The mayor shall be elected and shall serve for a term of four years and until the mayor's successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period of the mayor's service. The mayor shall forfeit the office of mayor on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

Sec. 2.28. Mayor pro tempore; selection; duties.

By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro tempore. Election of the mayor pro tempore shall occur at each organizational meeting of the city council as established in section 2.18 of this Charter. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's physical or mental disability or absence. Any such disability or absence shall be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in section 2.14 of this Charter.

Sec. 2.29. Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;

- (3) Have the power to administer oaths and to take affidavits;
 - (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
 - (5) Vote on matters before the city council as provided in section 2.21(b);
 - (6) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget;
 - (7) Fulfill such other executive and administrative duties as the city council shall by ordinance establish;
 - (8) Suspend all appointed officers and department heads of the city as provided in section 3.10(e) of this Charter;
 - (9) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient; and
 - (10) Perform other such duties as may be required by law, this Charter, or by ordinance.
- (2009 Ga. Laws, p. 4370, § 1)

Sec. 2.30. Limitation on terms of service.

There shall be no limitation on the number of terms that a mayor may serve as mayor of the City of Tennille.

Sec. 2.31. Submission of ordinances to the mayor.

(a) Every ordinance adopted by the city council shall be presented promptly by the clerk to the mayor.

(b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk with or without the mayor's approval. An ordinance approved by the mayor shall bear the signature of the mayor and shall become law upon its return to the clerk. If the mayor has not taken action within ten calendar days, such ordinance shall become law at 12:00 noon on the tenth calendar day after its adoption. The clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

(2009 Ga. Laws, p. 4370, § 2)

ARTICLE III. ADMINISTRATIVE AFFAIRS

Sec. 3.10. Administrative and service departments.

(a) Except as otherwise provided in this Charter, the city council by ordinance shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by this Charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointed officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance. In exercising their authority to suspend appointed officers and directors, the mayor shall report to the city council at [its] their next meeting that fact of the suspension, the reasons therefor, and the city council shall vote upon the question of whether the officer shall remain suspended, or be removed, reassigned, or terminated from office.

Sec. 3.11. Boards, commissions, and authorities.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this Charter or by law.

(c) The city council by ordinance may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by Charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed in this Charter for original appointment, except as otherwise provided by this Charter or by law.

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the city an oath obligating that person to perform faithfully and impartially the duties of that person's office, such oath shall be prescribed by ordinance and administered by the mayor.

(g) All members of boards, commissions, or authorities of the city serve at will and may be removed at any time by a vote of four councilmembers unless otherwise provided by law.

(h) Except as otherwise provided by this Charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this Charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

Sec. 3.12. City attorney.

Subject to nomination by the mayor under section 3.10(e) of this Charter, the mayor and city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of such person's position as city attorney.

Sec. 3.13. City clerk.

Subject to nomination by the mayor under section 3.10(e) of this Charter, the mayor and city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this Charter; and perform such other duties as may be required by the city council. The city council shall provide for the compensation of the city clerk.

Sec. 3.14. Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

Sec. 3.15. Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

ARTICLE IV. JUDICIAL BRANCH**Sec. 4.10. Creation; name.**

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

Sec. 4.11. Chief judge; associate judge.

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

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

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

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

(e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge's office to the best of the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.20 of this Charter.

Sec. 4.12. Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

Sec. 4.13. Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$2,500.00 or imprisonment for 14 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.

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

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons

charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

Sec. 4.14. Certiorari.

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

Sec. 4.15. Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to such proceedings.

ARTICLE V. ELECTIONS AND REMOVAL

Sec. 5.10. Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

Sec. 5.11. Regular elections; time for holding.

(a) There shall be a municipal general election quadrennially in odd-numbered years on the Tuesday next following the first Monday in November, with the first such election being held on the applicable calendar date in 2009 and in every subsequent four-year interval.

(b) The mayor and councilmembers who are in office on the effective date of this Act shall serve until the expiration of the term of office to which they were elected and until their successors are elected and qualified.

(c) At the first municipal general election to be held following the adoption of this Act, the mayor and all councilmembers representing each election district and post as established in section 2.10(b) of this Charter shall be elected to serve a four-year term.

(d) The terms of office for the duly elected mayor and councilmembers shall begin at the organizational meeting provided in section 2.18 of this Charter.

Sec. 5.12. Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

Sec. 5.13. Election by majority.

The person receiving a minimum of 50 percent of the votes cast for any city office, plus one additional vote, shall be elected for the applicable office.

Sec. 5.14. Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in section 2.12(a) of this Charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

Sec. 5.15. Other provisions.

Except as otherwise provided by this Charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

Sec. 5.16. Removal of officers.

(a) A councilmember, the mayor, or other appointed officers provided for in this Charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

- (1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Washington County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
- (2) By an order of the Superior Court of Washington County following a hearing on a complaint seeking such removal brought by any resident of the City of Tennille.

ARTICLE VI. FINANCE

Sec. 6.10. Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

Sec. 6.11. Millage rate; due dates; payment methods.

The city council by ordinance shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

Sec. 6.12. Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.18 of this Charter.

Sec. 6.13. Regulatory fees; permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business in this city to obtain a permit for such activity from the city and pay a

regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in section 6.18 of this Charter.

Sec. 6.14. Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

Sec. 6.15. Service charges; user fees.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in section 6.18 of this Charter.

Sec. 6.16. Special assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in section 6.18 of this Charter.

Sec. 6.17. Construction; other taxes.

This city shall be empowered to levy any other tax or fee allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

Sec. 6.18. Collection of delinquent taxes and fees.

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under sections 6.10 through 6.17 of this Charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Sec. 6.19. General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this Charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time such issue is undertaken.

Sec. 6.20. Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

Sec. 6.21. Short-term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

Sec. 6.22. Lease-purchase contracts.

The city may enter into multiyear lease, purchase, or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code section 36-60-13 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

Sec. 6.23. Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

Sec. 6.24. Preparation of budget.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

Sec. 6.25. Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

Sec. 6.26. Action by city council on budget.

(a) The city council may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than June 30 of each year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to section 6.24 of this Charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable.

Sec. 6.27. Levy of taxes.

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall

at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

Sec. 6.28. Changes in appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

Sec. 6.29. Capital budget.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in section 2.24 of this Charter.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than June 30 of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

Sec. 6.30. Independent audit.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this Charter. Copies of annual audit reports shall be available at printing costs to the public.

Sec. 6.31. Contracting procedures.

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to section 2.20 of this Charter.

Sec. 6.32. Centralized purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

Sec. 6.33. Sale and lease of city property.

(a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII. GENERAL PROVISIONS**Sec. 7.10. Bonds for officials.**

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

Sec. 7.11. Existing ordinances, resolutions, rules, and regulations.

Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this Charter shall continue in force, unless repealed or amended, for two years from the effective date of this Charter. During such two-year period, the city council shall review all such provisions and shall readopt, repeal, or amend each, so that a codification as provided by section 2.26(b) of this Charter is accomplished.

Sec. 7.12. Existing personnel and officers.

Except as specifically provided otherwise by this Charter, all personnel and officers of this city and their rights, privileges, and powers shall continue beyond the time this Charter takes effect for a period of 90 days before or during which time the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

Sec. 7.13. Pending matters.

Except as specifically provided otherwise by this Charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

Sec. 7.14. Construction.

(a) Section captions in this Charter are informative only and are not to be considered as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

Sec. 7.15. Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this Charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

Sec. 7.16. Repealer.

An Act amending, consolidating, and superseding the several Acts incorporating the City of Tennille in the County of Washington, approved August 21, 1906 [1906 Ga. Laws, p. 1073] (Ga. L. 1906, p. 1073), is hereby repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety.

Sec. 7.17. General repealer.

All laws and parts of laws in conflict with this Act are repealed.

APPENDIX A. CITY COUNCIL ELECTION DISTRICTS*

District One.

Beginning at a point where the centerline of State Route 15 intersects with the centerline of County Road 347, known as the Matthews Road and from said beginning point running in a westerly direction along the centerline of Matthews Road which is the city limits of the City of Tennille to a point where the city limits of the City of Tennille leave the centerline of Matthews Road; thence continuing southwesterly to a point in the center of Judson Street where city limits of City of Tennille intersects Judson Street; thence following the centerline of Judson Street in a southeasterly direction to a point where the centerline of Judson Street intersects the centerline of Church Street; thence continuing easterly to a point where the centerline of Church Street intersects the centerline of Fargo Street; thence continuing southeasterly and easterly along Fargo Street to a point where the centerline of Fargo Street intersects the centerline of Smith Street; thence continuing northerly following the centerline of Smith Street to a point where the centerline of Smith Street intersects the centerline of Church Street; thence continuing easterly along the centerline of Church Street to a point where the centerline of Church Street intersects the centerline of State Route 15, known as Main Street; thence continuing northerly along the centerline of State Route 15 to the point of beginning where the centerline of State Route 15 intersects the centerline of County Road 347, known as the Matthews Road.

District Two.

Beginning at a point where the city limits of the City of Tennille intersect the centerline of Judson Street and from said beginning point running southwesterly to a point on the right-of-way of State Route 68 where the city limits of the City of Tennille follow the right-of-way of State Route 68 to a point where said city limits intersect the centerline of Matthews Road; thence continuing northwesterly and southwesterly around the home of Tom and Elizabeth Simmons; thence following the city limits of the City of Tennille along the right-of-way of State Route 68 to a point where the city limits of the City of Tennille leave the right-of-way of State Route 68 in order to move northeasterly, northwesterly, and southwesterly in order to take in the clubhouse of the Twin City Country Club; thence returning to the right-of-way of State Route 68 and continuing in a northwesterly direction for approximately 1,200 feet to a point where the city limits of the City of Tennille leave the right-of-way of State Route 68; thence continuing northeasterly, northwesterly and southwesterly in order to take in property of the V.F.W; thence returning to a point where the northwesterly most point of the property of the V.F.W. intersects the right-of-way of State Route 68 and the city limits of the City of Tennille; thence continuing southeasterly and easterly along the right-of-way of State Route 68 to a point 1,620 feet, more or less, easterly of the centerline of the intersection of Matthews Road and State Route 68; thence continuing southwesterly across the right-of-way of State Route 68 to a point on the southernmost side of the right-of-way of State Route 68; thence continuing northwesterly along the right-of-way of State Route 68 to a point where the right-of-way of State Route 68 intersects the right-of-way of Highway S-687; thence continuing

***Note**—See section 2.10. City Council Creation; Number; Election Districts.

in a southwesterly direction for a distance of 445 feet along the right-of-way of Highway S-687; thence southeasterly, northeasterly, northwesterly and northeasterly around the properly now or formerly belonging to C. V. Smith, Sr., known as Oak Lodge; thence easterly along the right-of-way of State Route 68 to a point where the city limits of the City of Tennille leave the right-of-way of State Route 68; thence continuing southerly and southeasterly along the city limits of the City of Tennille to a point where the city limits of the City of Tennille intersect the centerline of the Mainline of the Central of Georgia Railroad, now Southern Railroad; thence continuing in a northeasterly direction along the centerline of the Mainline of the Central of Georgia Railroad to a point in the center of the Mainline of the Central of Georgia Railroad where the said railroad intersects the city limits of the City of Tennille; thence continuing northerly, easterly, northwesterly, westerly, northerly and westerly to a point where the city limits of Tennille intersect the centerline of State Route 15, known as Main Street, and the centerline of Matthews Road; thence continuing southerly along the centerline of State Route 15 to a point where the centerline of State Route 15 intersects the centerline of Church Street; thence continuing westerly along the centerline of Church Street to a point where the centerline of Church Street intersects the centerline of Smith Street; thence continuing southerly along the centerline of Smith Street to a point where the centerline of Smith Street intersects the centerline of Fargo Street; thence westerly and northwesterly along the centerline of Fargo Street to a point where the centerline of Fargo Street intersects the centerline of Church Street; thence continuing westerly along the centerline of Church Street to a point where the centerline of Church Street intersects the center of Judson Street; thence continuing northwesterly along the centerline of Judson Street to the point of beginning where Judson Street intersects the city limits of Tennille.

District Three.

Beginning at a point in the center of the Mainline of the Central of Georgia Railroad, now Southern Railroad, where the Mainline of the Southern Railroad intersects the westernmost portion of the city limits of the City of Tennille and from said beginning point running along the city limits of the City of Tennille in a southeasterly, easterly, northeasterly and northerly direction to a point where the city limits of City of Tennille intersect the centerline of the Mainline of the Central of Georgia Railroad; thence continuing southwesterly along the centerline of the Central of Georgia Railroad to the point of beginning where the centerline of the Central of Georgia Railroad intersects the city limits of the City of Tennille.

CHARTER
COMPARATIVE TABLE

CHARTER COMPARATIVE TABLE

GEORGIA LAWS

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ga. Laws Year	Act No.	Page	Section	Section this Charter
2009	335	4370		Char. (note)
2009			1	2.29
			2	2.31

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; notes and references.
- Sec. 1-4. Effect of repeal of ordinances.
- Sec. 1-5. Severability of parts of Code.
- Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-7. Altering Code.
- Sec. 1-8. Supplementation of Code.
- Sec. 1-9. Liability for violations by corporations, other associations.
- Sec. 1-10. Provisions considered continuations of existing ordinances.
- Sec. 1-11. Ordinances not affected by 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 and rights not affected by adoption of Code.
- Sec. 1-16. Rates, charges and fees established.

***State law reference**—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 the City of Tennille, Georgia," and may be so cited. The Code may also be cited as the "Tennille City Code" or the "City Code."

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

In the construction of this Code and of all ordinances and resolutions, the following definitions and rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

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

Charter. The term "Charter" means the Charter of the City of Tennille, Georgia.

City or municipality. The term "city" or "municipality" means the City of Tennille, Georgia.

City council, council, mayor and council, governing body, governing authority. Whenever the term "city council," "council," "mayor and council," "governing body" or "governing authority" is used it refers to the governing body of the City of Tennille.

Code. The term "Code" means The Code of Ordinances, City of Tennille, 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 as set forth in O.C.G.A. § 1-4-1, 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.

Corporate limits. The term "corporate limits" means the corporate limits of the City of Tennille.

County. Whenever the term "county," "the county" or "this county" is used, it refers to Washington County, Georgia.

Court. The term "court" means the municipal court provided by law for the punishment of offenders against the laws or ordinances of the city, 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 city 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 includes the feminine and neuter.

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 this Code imposes greater restrictions upon the subject matter than the general provision imposed by this 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 the City of Tennille" 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.

Oath. The term "oath" includes the affirmation.

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

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

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

Preceding, 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.

Schedule of fees and charges. The term "schedule of fees and charges" means the official consolidated list compiled and published by the city which contains rates for utility and other

public enterprises, fees, deposit amounts and various charges as determined from time to time by the mayor and council, an official copy of which is maintained in the office of the city clerk where it is available for reference and review during normal business hours.

Shall; may. The term "shall" is mandatory; the term "may" is permissive.

Signature or subscription. A signature or subscription includes the mark of all illiterate or infirm persons.

State. Whenever the term "state," "the state" or "this state" is used, it refers to the State of Georgia.

Street. The term "street" includes streets, sidewalks, avenues, boulevards, roads, alleys, lanes and all other public highways in the city, unless otherwise provided.

Substantial compliance. A substantial compliance with any requirement of this Code or ordinances amendatory thereof, 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.

Tense. The present or past tense includes the future.

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

State law references—Computation of time, O.C.G.A. § 1-3-1; statutory definitions and rules of construction, O.C.G.A. § 1-3-1 et seq.; construction of definitions, O.C.G.A. § 1-3-2; meaning of certain words, O.C.G.A. § 1-3-3; time, O.C.G.A. § 9-11-6.

Sec. 1-3. Catchlines of sections; 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 appearing in parentheses after each section and the references and editor's notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

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

Sec. 1-4. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or matter covered under the ordinance repealed.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the city council 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 shall be 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.

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

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances 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 of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the mayor and council.

(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: "The section of The Code of the City of Tennille, 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: "The Code of the City of Tennille, 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.

Sec. 1-7. 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 such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in Charter section 4.13.

Sec. 1-8. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared on not less than an annual basis. A supplement to this Code shall include all substantive, permanent and general parts of ordinances passed by the city council during the period covered by the

supplement and all changes made thereby in this Code. The pages of a supplement shall be so numbered that they will fit properly into this 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, this 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.

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.

Sec. 1-10. 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.

Sec. 1-11. 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 city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness.
- (3) Any contract or obligation assumed by the city.
- (4) Any ordinance fixing the salary of any city officer or employee, unless superseded.
- (5) Any ordinance or resolution establishing and/or prescribing employment, benefits, and/or personnel policies and procedures for any city officer or city employee.
- (6) Any right or franchise granted by the city.
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city.
- (8) Any appropriation ordinance.
- (9) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term.
- (10) Any ordinance or resolution providing for local improvements and assessing taxes therefor.
- (11) Any zoning ordinance or amendments thereto, and any ordinance establishing a board of zoning appeals or planning commission, including joint commissions.
- (12) Any ordinance or resolution dedicating or accepting any subdivision plat or providing for subdivision regulations.
- (13) Any ordinance or resolution describing or altering the boundaries of the city.
- (14) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code.
- (15) Any ordinance levying or imposing taxes not included herein.
- (16) Any ordinance or resolution establishing or prescribing street grades in the city.

- (17) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code.
- (18) Any ordinance or resolution of agreement with another political subdivision.
- (19) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

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.

Sec. 1-12. General penalty.

The city shall punish offenses in accordance with section 4.13 of the city Charter.

Sec. 1-13. Interpretation of Code.

In all interpretations of this Code, and ordinances, the courts shall look diligently for the intention of the city council, 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.

A substantial 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 and 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) Nothing contained in this chapter shall be construed as abating any action pending under or by virtue of any general ordinance of the city repealed in this chapter, and all general ordinances contained in this Code shall be deemed to be continuing and not a new enactment of the same ordinance. This chapter shall not be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue or as affecting the liability of any person or as waiving any right of the city under any ordinance or section thereof in force at the time of the 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 city council, from time to time. Any rates, charges, or fees established by the city pursuant to the regulations or requirements established herein may be changed from time to time by the city council, 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 city council, 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 city council by ordinance, resolution or motion.

Chapter 2

ADMINISTRATION*

Article I. In General

Secs. 2-1—2-18. Reserved.

Article II. Municipal Court Prosecuting Attorney

- Sec. 2-19. Short title.
- Sec. 2-20. Findings and intent.
- Sec. 2-21. Establishment of office.
- Sec. 2-22. Qualifications.
- Sec. 2-23. Oath.
- Sec. 2-24. Term of office.
- Sec. 2-25. Jurisdiction, duties and authority.
- Sec. 2-26. Assistant prosecuting attorney.
- Sec. 2-27. Ratification.
- Secs. 2-28—2-57. Reserved.

Article III. Code of Ethics

- Sec. 2-58. Purpose.
- Sec. 2-59. Scope.
- Sec. 2-60. Definitions.
- Sec. 2-61. Penalty.
- Sec. 2-62. Prohibitions.
- Sec. 2-63. Conflict of interest.
- Sec. 2-64. Board of ethics.
- Sec. 2-65. Complaints against city official—Receipt.
- Sec. 2-66. Same—Service.
- Sec. 2-67. Right of appeal.

***Editor's note**—The city Charter, most recently adopted by the General Assembly in 2012, exhaustively sets for the administrative and governmental structure of the city in article II of the Charter.

State law references—Supplemental powers of municipalities and counties enumerated, Ga. Const. art. IX, § II, ¶ III; municipal corporations generally, O.C.G.A. § 36-3-1 et seq.; powers of municipal corporations generally, O.C.G.A. § 36-34-1 et seq.; powers relating to administration of municipal government generally, O.C.G.A. § 36-34-2; provisions applicable to counties and municipalities, O.C.G.A. § 36-60-1 et seq.; provisions applicable to counties and municipal corporations, O.C.G.A. § 36-80-1 et seq.

ARTICLE I. IN GENERAL

Secs. 2-1—2-18. Reserved.

ARTICLE II. MUNICIPAL COURT PROSECUTING ATTORNEY

Sec. 2-19. Short title.

This article may also be known as the "Office of Prosecuting Attorney of the Municipal Court Ordinance."

Sec. 2-20. Findings and intent.

This article is adopted to address requirements made under state law for the city to pass an ordinance or resolution creating the office of prosecuting attorney of the municipal court should the city choose to hire or have a prosecuting attorney of the municipal court. Under state law, in order to have a municipal court prosecutor, the city must pass this article or resolution and provide to the prosecuting attorneys' council of the state a copy of the same. The city is also required to submit the name of the person appointed to be the prosecuting attorney of the municipal court within 30 days of such appointment in order to maintain the office of prosecuting attorney of the municipal court. It is therefore the intent of the city to comply with state law, particularly article 5, of chapter 18, of title 15 of the Official Code of Georgia, Annotated, and to enact this article.

Sec. 2-21. Establishment of office.

The office of prosecuting attorney of the municipal court is hereby established for the purpose of providing representation of the city in matters pertaining to ordinance violations of the city and state offenses enforceable in the municipal court as allowed by state law. The prosecuting attorney for the municipal court shall be a parttime position.

Sec. 2-22. Qualifications.

Any person appointed as the prosecuting attorney for the municipal court of the city shall be a member in good standing of the state bar and admitted to practice before the trial and appellate courts of this state. Nothing in this article shall prevent the city from appointing the city attorney to be the prosecuting attorney for the municipal court, so long as all other requirements under the law are met.

Sec. 2-23. Oath.

The prosecuting attorney of the municipal court for the city shall take and subscribe to the following oath:

"I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the Municipal Court for the City of Tennille."

Sec. 2-24. Term of office.

Unless otherwise provided by the city Charter, the prosecuting attorney for the municipal court shall serve a term of office of four years

Sec. 2-25. Jurisdiction, duties and authority.

The office of prosecuting attorney of the municipal court for the city shall have the duty and authority to represent the city as defined by the city Charter and by state law, particularly as described in O.C.G.A. § 15-18-96.

Sec. 2-26. Assistant prosecuting attorney.

The prosecuting attorney of the municipal court may appoint one or more assistant prosecuting attorneys whose appointment shall be ratified by the city council before becoming an assistant prosecuting attorney for the municipal court. Such assistant prosecuting attorney shall be a member in good standing of the state bar or satisfy the provisions of the Third-Year Practice Act, found in O.C.G.A. § 15-18-22.

Sec. 2-27. Ratification.

This article shall ratify all actions that have been taken by the persons acting in the positions of the office of the prosecuting attorney for the municipal court to date as authorized by the mayor and council.

Secs. 2-28—2-57. Reserved.**ARTICLE III. CODE OF ETHICS****Sec. 2-58. Purpose.**

The purpose of this article is to:

- (1) Encourage high ethical standards in official conduct by city officials;
- (2) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- (3) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (4) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. 2-59. Scope.

The provisions of this article shall be applicable to all elected or appointed city officials. Notwithstanding anything herein to the contrary, state law and the city Charter shall be

controlling in the event of an actual conflict with the provisions of this code of ethics. This article shall be interpreted to supplement, and not replace, said provisions of state law and the city Charter.

Sec. 2-60. 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:

City official or official.

- (1) The term "city official" includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.
- (2) The term "city official," unless otherwise expressly defined, does not include city employees but does mean the mayor, members of the city council, municipal court judges (including substitute judges), city manager, city clerk, city attorney and all other persons holding positions designated by the city Charter, as amended.

Decision means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.

Employee means any person who is a fulltime or parttime employee of the city.

Immediate family means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

Incidental interest means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.

Remote interest means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

Substantial interest means an interest, either directly or through a member of the immediate family, in another person or entity, where:

- (1) The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity;

- (2) The funds received by the person from the other person or entity during the previous 12 months either equal or exceed:
 - a. \$5,000.00 in salaries, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services; or
 - b. Ten percent of the recipient's gross income during that period, whichever is less;
- (3) The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or
- (4) The person is a creditor, debtor or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 2-61. Penalty.

Any person violating any provision of this article is subject to:

- (1) Public reprimand or censure by the city council; or
- (2) Request for resignation by the city council.

Sec. 2-62. Prohibitions.

(a) No city official shall use such position to secure special privileges or exemptions for himself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.

(b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself from such discussion or vote as applicable.

(c) No city official shall act as an agent or attorney for another in any matter before the city council or other city body.

(d) No city official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.

(e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.

- (1) This prohibition shall not be applicable to the professional activities of the city attorney in his work as an independent contractor and legal advisor on behalf of the city.
- (2) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).

- (3) Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.
- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
- (o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefor.
- (p) No city official shall attempt to unduly influence the outcome of a case before the municipal court of the city nor shall any city official engage in ex parte communication with a municipal court judge of the city on any matter pending before the municipal court.

Sec. 2-63. Conflict of interest.

(a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.

(b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.

(c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

Sec. 2-64. Board of ethics.

The municipal court of the city shall hear and render decisions on all proper verified complaints filed under this article.

Sec. 2-65. Complaints against city official—Receipt.

(a) All complaints against city officials shall be filed with the clerk of the municipal court of the city. Upon receipt of a complaint in proper form, the municipal court clerk shall forward a copy of the complaint to the city officials charged in the complaint within no more than seven calendar days.

(b) To discourage the filing of ethics complaints solely for political purposes, ethics complaints against a person seeking election as a city official, whether currently serving as a city official or not, which are filed between the date of qualifying for municipal office and the date of certification of the election results will be held and will not be processed until the election results for that office have been certified.

Sec. 2-66. Same—Service.

The city clerk or board of ethics as appointed herein set forth shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested, or by statutory overnight delivery. A hearing shall be held within 60 calendar days after filing of the complaint. The board of ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross examination of available witnesses. The decision of the board of ethics shall be rendered to mayor and council within seven calendar days after completion of the final hearing. At any hearing held by the board of ethics, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall

also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the board of ethics or the city council to act upon any complaint.

Sec. 2-67. Right of appeal.

(a) Any city official or complainant adversely affected by the findings or recommendations of the board of ethics may obtain judicial review of such decision as provided in this section.

(b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the superior court of the county within 30 days after the decision of the board of ethics. The filing of such application shall act as supersedeas.

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC BEVERAGES*

Article I. In General

Secs. 4-1—4-18. Reserved.

Article II. Mixed Drink on Premises

- Sec. 4-19. Definitions.
- Sec. 4-20. License—Required.
- Sec. 4-21. Same—Suspension; revocation.
- Sec. 4-22. Same—Fees.
- Sec. 4-23. Qualifications of applicant.
- Sec. 4-24. Application required; investigation and report; action by mayor and council.
- Sec. 4-25. Sale restrictions.

***State law references**—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; authority to adopt rules and regulations relating to manufacture, sale and distribution of distilled spirits, O.C.G.A. § 3-4-49.

ARTICLE I. IN GENERAL

Secs. 4-1—4-18. Reserved.

ARTICLE II. MIXED DRINK ON PREMISES**Sec. 4-19. 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:

Alcoholic beverage includes any distilled or fermented liquid containing consumable alcohol, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, vodka, cordials or other spirituous liquors by whatever name called, and including fortified wines as defined by the federal alcohol administration.

License means the authorization by the council to engage in the sale of alcoholic beverages.

License for the sale of distilled spirits by the drink on premises means any person duly licensed to sell by the drink and for the consumption only on the premises.

Premises means the definite or partitioned-in locality, whether a room, shop or building, wherein distilled spirits shall be sold and consumed.

Restaurant means any public place, kept, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served. The term "restaurant" also means an establishment in which 51 percent of the money taken in by the establishment is from the sale of meals. Any such place must be provided with adequate and sanitary kitchen and dining room facilities and equipment and have a sitting capacity of at least 25 people. It shall also employ a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The serving of meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto.

Sec. 4-20. License—Required.

(a) Every person, firm or corporation engaged in the sale of alcoholic beverages within the city shall be required to obtain a license before business may be commenced. This license shall be issued on an annual basis beginning January 1 of each year.

(b) Every licensee shall be required to display his license in a prominent place. He shall be required to obtain a license for each place of business within the city.

(c) A license is not transferrable to any person, firm or corporation.

(d) The business premises of the holder of a license issued under this article shall be open to inspection at any time during business hours by any member of the police department, mayor and council, city clerk or other city employees designated by the mayor.

(e) No person engaged in the sale of alcoholic beverages shall sell, serve or permit the sale of alcoholic beverages to any person under 21 years of age.

Sec. 4-21. Same—Suspension; revocation.

(a) Any license may be revoked or suspended by the mayor and council for good cause after hearing upon three days written notice to the holder of such license of the time, place and purpose of the hearing and a general statement of the charges to be considered.

(b) The term "good cause" means, for the suspension or revocation of any such license consists of the violation of any laws or ordinances related to alcoholic beverages, violation of these regulations or other regulations made pursuant to authority granted for the licensing of such business, or for any change in a licensee's status which would preclude issuance of a license initially.

Sec. 4-22. Same—Fees.

The annual fees for the sale of alcoholic beverages and consumption on the premises license shall be as fixed from time to time by the mayor and council. The fee shall be set by ordinance. (Ord. of 12-19-1996)

Sec. 4-23. Qualifications of applicant.

(a) Any applicant for alcoholic beverage license must show, to the satisfaction of the mayor and council, financial responsibility.

(b) Any applicant for alcoholic beverage license must be of good character; and all managers, clerks or other employees shall be of like character. Corporation applicants shall be of good business reputation.

(c) No license shall be granted to an applicant who has been convicted under any federal, state or local law for a criminal offense involving moral turpitude, or who has been convicted under any federal, state or local law of any criminal offense involving alcoholic beverages, gambling, or tax violations, if such conviction tends to indicate that the applicant would not maintain the operation for which he is seeking a license in conformity with federal, state or city laws.

(d) No license shall be issued to an applicant who has not been a resident of the state for more that 12 months preceding the filing of the application. (Ord. of 12-19-1996)

Sec. 4-24. Application required; investigation and report; action by mayor and council.

(a) Persons desiring to sell alcoholic beverages shall file an application with the city clerk, who shall refer the same to the chief of police for investigation. The chief of police shall investigate:

- (1) The moral fitness and reputation of the applicant;

- (2) His reputation as a peaceful citizen or law violator;
- (3) The general character and reputation of his place of business; and
- (4) Any other facts that the mayor and council should know in considering the granting of a permit and license to the applicant.

(b) It shall be the duty of the chief of police to report his findings to the mayor and council at the next meeting or as soon thereafter as possible, which body shall either grant or refuse the permit or license.

(c) Should the mayor and council deny the license application, a written notice of the decision, setting forth the reasons for denial, shall be mailed to the applicant. The applicant shall have the right to a full hearing before the mayor and council, with an opportunity to present evidence and to cross examine opposing witnesses. The right to a hearing must be exercised by the applicant, in writing, within five business days of his receipt of the denial.

(d) If the application is granted, the city clerk shall issue the license.

(e) Sales only on premises. No licensee shall sell or deliver any alcoholic beverage to any person except at said licensee's place of business within the premises of the restaurant.

Sec. 4-25. Sale restrictions.

(a) *Sale of liquor to intoxicated, etc. persons.* No licensee hereunder shall give, sell or offer to sell any alcoholic beverage to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the license holder or his agents or employees change.

(b) *Time of sales.* No licensee shall sell or offer for sale alcohol by the drink for consumption on the premises at the following times: anytime on Christmas Day or Sundays, nor any other day in violation of state law, on any day before 10:00 a.m., nor after 12:00 midnight.

Chapter 5

RESERVED

Chapter 6

ANIMALS*

Article I. In General

- Sec. 6-1. Enforcement.
- Sec. 6-2. Animals running at large prohibited.
- Sec. 6-3. Cruelty to animals prohibited.
- Secs. 6-4—6-24. Reserved.

Article II. Rabies

- Sec. 6-25. Vaccination required.
- Sec. 6-26. Required reporting of rabies cases.
- Sec. 6-27. Quarantine.

***State law references**—Authority to exercise animal control, Ga. Const. art. IX, § II, ¶ III(a)(3); dogs generally, O.C.G.A. § 4-8-1 et seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.

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

The police shall enforce this chapter and may do so by means of impoundment and court citations.

Sec. 6-2. Animals running at large prohibited.

Within the city's territorial boundaries, the running at large of dogs, cats, domestic animals, livestock, owned wildlife or exotic animals is prohibited. Owners of wildlife or exotic animals must have the necessary state and federal permits on their person when transporting their animals.

Sec. 6-3. Cruelty to animals prohibited.

(a) It shall be unlawful for any person to overload, poison, cruelly treat, maim, tease, bruise, deprive of necessary sustenance or medical attention, improperly use, deprive of shade and shelter, or in any manner whatsoever, torture, kill, or abuse any animal.

(b) No person shall abandon any animal on any property, public or private, or keep an animal under unsanitary conditions.

(c) It shall be unlawful to transport any dog in an open bed truck, except when safely confined in a portable kennel or safely restrained by a harness or tether.

Secs. 6-4—6-24. Reserved.**ARTICLE II. RABIES****Sec. 6-25. Vaccination required.**

(a) The owner, custodian, or harbinger of each dog or cat over four months of age, kept, maintained, or harbored in any area of the city, is required to maintain a current rabies vaccination on such dog or cat.

(b) It shall be the duty of all persons owning or having custody of any dog or cat over four months of age brought into the city from outside the city to have such dog or cat vaccinated within 14 days from the date of entry.

(c) Only a licensed veterinarian shall be entitled in connection with his practice, on the request of any owner of a dog, cat, or other animal, to vaccinate such dog, cat, or other animal against rabies, with a vaccine as set forth in state law.

Sec. 6-26. Required reporting of rabies cases.

It shall be the duty of any person knowing of a rabid animal, or of any animal showing symptoms of rabies, to immediately report such animal to the police chief or his designee and

give as much pertinent information as possible. Any bite by an animal shall be reported to the police chief or his designee. The police chief or his designee, in order to maintain an effective epidemiological surveillance and control program, shall maintain a record of its rabies related activities, including investigation and confirmation of rabies in animals in the manner and frequency stipulated by the police chief or his designee.

Sec. 6-27. Quarantine.

(a) In the event a dog or cat has bitten a human, such animal shall be immediately confined at the animal control shelter, veterinary hospital, or other such premises deemed acceptable by the police chief or his designee for a period of ten days from the date of the bite to be observed for symptoms of rabies.

(b) In the event a warm-blooded animal other than a dog or cat has bitten a human or other warm-blooded animal, or in the event a warm-blooded animal has been bitten by another warm-blooded animal, the recommendations contained in the rabies control manual compiled by the state department of human resources shall be followed.

(c) All expenses incurred for boarding an animal for the quarantine period as well as other applicable fees shall be paid by the owner or custodian of the biting animal.

(d) It shall be unlawful for any person, custodian, or harbinger to fail to surrender a dog, cat, or other animal which has bitten a human, upon the sworn statement of the person bitten. Such animal will be placed under quarantine or submitted for laboratory examination at the discretion of the police chief or his designee. The provisions of this article shall apply, regardless of whether or not such animal has a current rabies vaccination and tag.

(e) When rabies has been found to exist in any warm-blooded animal, or where its existence is suspected, the police chief or his designee may designate a geographical area within which quarantine of all owned warm-blooded animals shall be maintained. Such animals shall be immediately confined to the premises designated and in a manner approved by the city coordinator or his designee, whether or not such animals have been vaccinated against rabies.

(f) No warm-blooded animal shall be brought into or removed from a quarantined area or premises without written approval of the police chief or his designee.

(g) Quarantine ordered by the police chief or his designee shall be maintained for such period as deemed necessary to protect the public health.

(h) Quarantined areas or premises where rabid animals or animals suspected of having rabies remain at large may be posted by the police chief or his designee with signs which read as follows: "Rabies Suspected" or "Rabies — Keep Away From Animals." Such signs shall be conspicuously displayed in a place designated by the police chief or his designee and shall not be removed, except by the police chief or his designee. Such signs shall not be defaced.

(i) The owner, custodian or harbinger of each animal subject to a quarantine invoked by the police chief or his designee under the terms of this article shall be notified of the quarantine, the particular animals subject thereto, and shall be given such other information as the police chief or his designee deems necessary.

(j) Every animal showing clinical signs of rabies, as determined by the police chief or his designee, shall be immediately destroyed; and the heads of all animals suspected of having had rabies at the time of death shall be submitted to the epidemiology office, department of human resources, for examination by the department of human resources laboratory.

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 8-1—8-18. Reserved.

Article II. Construction Codes

Sec. 8-19. Definitions.
Sec. 8-20. Enforcement.
Sec. 8-21. Adoption of technical codes.
Sec. 8-22. Conflicts.
Sec. 8-23. References to officials in adopted technical codes.
Sec. 8-24. Applicability.
Secs. 8-25—8-51. Reserved.

Article III. Derelict Property

Sec. 8-52. Short title.
Sec. 8-53. Definitions.
Sec. 8-54. Violations; enforcement; penalties.
Sec. 8-55. Duty of owners of real property and structures thereon.
Sec. 8-56. Declaration of public nuisance.
Sec. 8-57. Powers of building official or his designee.
Sec. 8-58. Complaint in rem in municipal court; procedure; lien; appeal.
Sec. 8-59. Service of complaints or orders upon owners and parties in interest.
Sec. 8-60. Limitation of liability for code enforcement; no special duty created.
Sec. 8-61. General cleanliness of premises.
Sec. 8-62. Disorderly house.
Secs. 8-63—8-82. Reserved.

Article IV. Preowned Manufactured Housing Standards

Sec. 8-83. Definitions.
Sec. 8-84. Penalties.
Sec. 8-85. Conditions.
Sec. 8-86. Permitting; inspection; certificate of occupancy and fees.
Sec. 8-87. Minimum health and safety standards.
Sec. 8-88. Enforcement.

***State law references**—Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); construction standards generally, O.C.G.A. § 8-2-1 et seq.; minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26.

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. CONSTRUCTION CODES***Sec. 8-19. 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:

Building official or *building inspector* means the qualified building official or qualified building inspector as designated by the city.

Sec. 8-20. Enforcement.

(a) The building official is hereby authorized to enforce within the city the provisions of this article and the state minimum codes adopted herein.

(b) The building official is further 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 article. 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.

Sec. 8-21. Adoption of technical codes.

(a) Unless otherwise provided for by subsequent ordinance or another provision of this Code, the technical building and construction codes listed in this section are adopted by reference and incorporated into this Code as if set out fully herein, including the administration and appendix chapters also contained in those codes. The state minimum codes enumerated under O.C.G.A. § 8-2-20(9), as now or hereafter revised or modified pursuant to state law:

- (1) International Building Code, 2006 edition, with state amendments 2007, 2009, 2010.
- (2) International Residential Code, 2006 edition, with state amendments 2007—2012.
- (3) International Fire Code, 2006 edition, with state amendments 2007 and 2010.
- (4) International Plumbing Code, 2006 edition, with state amendments 2007—2012.
- (5) International Mechanical Code, 2006 edition, with state amendments 2007, 2008 and 2010—2012.
- (6) International Fuel Gas Code, 2006 edition, with state amendments 2007—2010 and 2012.

***Editor's note**—Also note Charter section 2.25 concerning adoption of technical codes.

- (7) National Electrical Code, 2011 edition.
- (8) International Energy Conservation Code, 2011 edition, with state amendments 2011 and 2012.

Sec. 8-22. Conflicts.

(a) If any of the publications listed in this article are adopted as a state minimum code pursuant to O.C.G.A. § 8-2-20 et seq., then the edition adopted by the state shall control. If any of the publications listed in this article are less stringent than the state minimum codes promulgated pursuant to O.C.G.A. § 8-2-20 et seq., the state minimum code shall control.

(b) A copy of each of the publications listed in this article, as adopted by the state, is filed in the city clerk's office and available for review by the public. The same is adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the corporate limits of the city.

Sec. 8-23. References to officials in adopted technical codes.

Where reference is made to the duties of certain officials named within the technical codes which are adopted by reference in this article, then that official of the city as designated by the mayor who has duties corresponding to those of the named official in said technical code, shall be deemed to be the responsible official insofar as enforcing the provisions of that technical code are concerned.

Sec. 8-24. Applicability.

The provisions of this article apply to the construction, erection, installation, alteration, demolition, repair, relocation, replacement, addition to, use or maintenance of buildings or structures, plumbing, mechanical, gas, and electrical systems within the city. Any and all requirements of this article shall expressly include any and all technical codes as amended by the city pursuant to this article.

Secs. 8-25—8-51. Reserved.

ARTICLE III. DERELICT PROPERTY

Sec. 8-52. Short title.

This article may be known as the "Derelict Property Ordinance."

Sec. 8-53. 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:

Applicable codes means any optional housing or abatement standard provided in O.C.G.A. title 8, chapter 2 as adopted by ordinance or operation of law, or other property maintenance

standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; any fire or life safety code as provided for in O.C.G.A. title 25, chapter 2; and any building codes adopted by local ordinance prior to October 1, 1991, or the minimum technical codes provided in O.C.G.A. title 8, chapter 2 after October 1, 1991, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum technical codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Closing means causing a dwelling, building or structure to be vacated and secured against unauthorized entry.

Drug crime means an act which is a violation of O.C.G.A. title 16, chapter 13, article 2, known as the "Georgia Controlled Substances Act."

Dwelling, building or structure.

- (1) The term "dwelling, building or structure" means any building or structure or part thereof used and occupied for human habitation or commercial, industrial or business uses, or intended to be so used, and includes any outhouses, improvements and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.
- (2) The term "dwelling, building or structure" does not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage or processing of crops, livestock, poultry or other farm products.

Graffiti means any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface without prior authorization from the owner or occupant of the property.

Interested party.

- (1) The term "interested party" means:
 - a. The owner;
 - b. Persons in possession of said property and premises;
 - c. Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the state bar;
 - d. Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; and
 - e. Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the municipality or records maintained in the county courthouse or by the clerk of court.

- (2) The term "interested party" does not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected.

Owner means the holder of the title in fee simple and every mortgagee of record.

Public authority means any member of the governing authority, any director of a public housing authority, or any officer who is in charge of any department or branch of government (municipal, county or state) relating to health, fire, life safety, building regulations, or to other activities concerning dwellings, buildings, or structures, or use of private property within the city.

Public officer means the building official, who is authorized to exercise the powers prescribed by article, and any officer or employee of the city to whom he delegates such authority.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Resident means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Sec. 8-54. Violations; enforcement; penalties.

Any person who willfully refuses to comply with the provisions of this article shall be cited to appear before the municipal court and, upon conviction, shall be fined not less than \$100.00; each day of continued violation, after citation, shall constitute a separate offense. In addition to the fines set forth in this section, upon conviction, the director shall discontinue the public water supply service at any premises upon which there is found to be a cross connection, auxiliary intake, bypass or interconnection, and service shall not be restored until such cross connection, auxiliary, bypass or interconnection has been discontinued.

Sec. 8-55. Duty of owners of real property and structures thereon.

It is the duty of the owner of every dwelling, building, structure or private property within the jurisdiction to construct and maintain such dwelling, building, structure or property in conformance with applicable codes in force within the city or such laws and ordinances which regulate and prohibit activities on private property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or use private property in violation of such codes, laws or ordinances.

Sec. 8-56. Declaration of public nuisance.

- (a) Every dwelling, building or structure within the city which:
 - (1) Is constructed or maintained in violation of applicable codes in force within the city;

- (2) Is unfit for human habitation or commercial, industrial, or business use or occupancy due to inadequate provisions for ventilation, light, air, sanitation or open spaces;
- (3) Poses an imminent harm to life or other property due to fire, flood, hurricane, tornado, earthquake, storm or other natural catastrophe;
- (4) Is vacant and used in the commission of drug crimes;
- (5) Is occupied and used repeatedly for the commission of illegal activities, including facilitating organized crime or criminal enterprises, after written notice to the owner of such activities conducted therein;
- (6) Is abandoned; or
- (7) Otherwise constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions;

is hereby declared a public nuisance.

(b) Every private property within the city on which is being regularly conducted any activity or land use in violation of applicable laws and ordinances, including chapter 40, zoning, is hereby declared to be a public nuisance. Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of a public nuisance unless the overall condition or use of the property results in impaired health, safety, transmission of disease, infant mortality or crime.

Sec. 8-57. Powers of building official or his designee.

(a) In carrying out his duties pursuant to this article, the building official or his designee to whom his authority is assigned shall, in addition to those powers otherwise conferred upon or delegated to him by the Charter and other ordinances of the city, be empowered to:

- (1) Investigate and inspect the condition of dwellings, buildings, structures, and private property within the city to determine those structures and property uses in violation of this article. Entries onto private property shall be made in a manner so as to cause the least possible inconvenience; provided, however, the public officer shall not enter into any occupied dwelling or structure without first having obtained the consent of the owner or a person in possession. In those cases where consent to entry is denied after reasonable request, the public officer may apply to the municipal court for an administrative search warrant upon showing probable cause that a violation exists;
- (2) Retain experts including certified real estate appraisers, qualified building contractors, and qualified building inspectors, engineers, surveyors, accountants and attorneys;
- (3) Appoint and fix the duties of such officers and employees of the city as he deems necessary to carry out the purposes of this article; and
- (4) Delegate any of his functions and powers under this article to such officers, employees and agents as he may designate.

(b) In addition to the procedures set forth in this article, the building official or his designees may issue citations for violations of state minimum technical codes, optional building, fire, life safety and other codes adopted by ordinance, and conditions declared to constitute a public health or safety hazard or general nuisance, and to seek enforcement of such citations before the municipal court prior to issuing a complaint in rem as provided in this article. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by other summary proceedings.

Sec. 8-58. Complaint in rem in municipal court; procedure; lien; appeal.

(a) Whenever a request is filed with the public officer by a public authority or by at least five residents of the municipality charging that any dwelling, building, structure or property is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may make an investigation or inspection of the specific dwelling, building, structure or property and make a written report of his findings. Such officer shall be guided in his investigation by documenting conditions, which include, but are not limited to:

- (1) Defects therein increasing the hazards of fire, accidents or other calamities;
- (2) Lack of adequate ventilation, light or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair by failure to conform to applicable codes and ordinances;
- (5) Structural defects which render the structure unsafe for human habitation or occupancy;
- (6) Uncleanliness; or
- (7) The presence of graffiti which is visible from adjoining public or private property.

(b) If the public officer's investigation or inspection identifies that any dwelling, building, structure or property is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall file a complaint in rem in the municipal court of the city against the lot, tract or parcel of real property on which such dwelling, building or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties in such dwelling, building or structure.

- (1) The complaint shall:
 - a. Identify the subject real property by appropriate street address and official tax map reference;
 - b. Identify the interested parties;

- c. State with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance.
- (2) The summons shall notify the interested parties that a hearing will be held before the municipal court at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (c) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:
- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation; and, if applicable, to secure by closing the structure so that it cannot be used in connection with the commission of drug crimes; or
 - (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this section, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter or improve a structure may be considered; and, provided further, that if the unsatisfactory condition is limited solely to the presence of graffiti, the dwelling, building or structure shall not be ordered demolished or closed, but its owner may be ordered to repair the same by cleaning or removal of the graffiti. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a state appraiser classification as provided in O.C.G.A. title 43, chapter 39A, qualified building contractors, or qualified building inspectors without actual

testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

(d) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished within 270 days of the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to subsection (c) of this section or any equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action shall commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

(e) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

(f) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(g) The lien provided for in subsection (f) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in the county and shall relate back to the date of the filing of the lis pendens notice required under subsection (a) of this section. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall, within 90 days of the completion of repairs, demolition or closure, forward a copy of the order and a final statement of costs to the county tax commissioner.

(h) It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. § 48-4-5; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply; provided, further, that redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81. The tax commissioner may initiate enforcement of liens imposed under this section at any time following receipt of the final determination of costs from the public officer. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

(i) The tax commissioner shall remit the amount collected to the governing authority of the municipality whose ordinance is being enforced. The tax commissioner may retain an amount equal to the cost of administering collection of the lien. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.

(j) The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

(k) Review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

Sec. 8-59. Service of complaints or orders upon owners and parties in interest.

- (a) Summons and copies of the complaint shall be served in the following manner:
- (1) In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, structure, or property within three business days of filing of the complaint and at least 14 days prior to the date of the hearing;
 - (2) At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint and summons by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are readily ascertainable. Copies of the complaint and summons shall also be mailed by first-class mail to the property address to the attention of the occupants, if any;
 - (3) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing; and

(4) A notice of lis pendens shall be filed in the office of the clerk of superior court in which the dwelling, building, structure, or property is located at the time of filing the complaint in municipal court.

(b) The public officer shall cause an affidavit of service to be filed of record in the municipal court prior to the hearing showing compliance with the service requirements of this section. Such affidavit shall constitute a prima facie showing of minimum procedural due process and shall constitute sufficient proof that service was perfected.

(c) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on every interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec. 8-60. Limitation of liability for code enforcement; no special duty created.

It is the intent of this article to protect the public health, life safety and general welfare of properties and occupiers of buildings and structures within the city in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the city. Approval of a permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof that said property has been constructed, maintained or operated in conformance with applicable codes, laws and regulations. The city reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any federal or state law, regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design approval, inspection or other activity by the city, its officers, employees and agents, issuance of such permit, approval, or inspection shall not be deemed to constitute a waiver or estoppel of the condition precedent, and it shall remain the obligation and responsibility of the owner, his design professionals and contractors to satisfy such legal requirements.

Sec. 8-61. General cleanliness of premises.

The owner and occupant of property within the city shall each be independently responsible for keeping the premises, including all buildings thereon and the full yard thereof, clean and free from all garbage, refuse, filth, dirt, ashes, trash, rubbish and other offensive materials.

Sec. 8-62. Disorderly house.

(a) Any person who keeps and maintains, either by himself or others, a common, ill-governed and disorderly house, to the encouragement of gaming, drinking, illicit drug activity, or other misbehavior, to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, before any person is

charged under this subsection, written notice shall be given the owner of the property and the person in possession thereof by the chief of police stating the general, customary and common habits of the house, giving fair notice of this subsection and the conduct proscribed thereby.

(b) Any person who shall allow any boisterous, noisy, drunken or riotous persons to assemble or remain in their house, apartment or upon their property, after receiving oral notice from a police officer that boisterous, noisy, drunken or carousing activities have caused complaint and annoyance to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, no person shall be charged under this subsection unless the owner or person in possession of the premises has been afforded an opportunity to disburse the assembly or offending person from the premises. This subsection shall not preclude a police officer from arresting any individual for criminal trespass where such individual knowingly and without authority remains on private property after being notified by the owner or lawful occupant to depart.

Secs. 8-63—8-82. Reserved.

ARTICLE IV. PREOWNED MANUFACTURED HOUSING STANDARDS*

Sec. 8-83. 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:

Applicant means any person seeking to install a preowned manufactured home in the city limits of the city.

Building inspector means the person appointed, employed or otherwise designated as the director of planning, permits and inspections; the municipal building official or any of his assistants.

Certificate of occupancy means a document issued by the building inspector certifying that a preowned manufactured home is in compliance with applicable requirements set forth by this article, and indicating it to be in a condition suitable for residential occupancy.

Guarantee of condition bond means a surety bond to guarantee that the affidavit and photographs required by section 8-86(1)a and b reasonably portray or represents the existing condition of the preowned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the city.

***State law references**—Classification of mobile homes as a separate class of property for ad valorem property tax purposes, Ga. Const. art. VII, § I, ¶ III; ad valorem taxation of mobile homes, O.C.G.A. § 48-5-440 et seq.; issuance of mobile home location permits; display of decals, O.C.G.A. § 48-5-492; the Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.

Install means to construct a foundation system and to place or erect a manufactured home on such foundation system. The term "install" includes, without limitation, supporting, blocking, leveling, securing or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

Jurisdiction means the areas within the city limits.

Manufactured home means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" includes any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq.

Preowned manufactured home means any manufactured home that has been previously used as a residential dwelling and has been titled.

Sec. 8-84. Penalties.

Failure to remove a preowned manufactured home from the jurisdiction upon failure to receive a certificate of occupancy shall be punishable in accordance with section 1-12, general penalty.

Sec. 8-85. Conditions.

All preowned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq. (the HUD code), and shall be installed in accordance with O.C.G.A. § 8-2-160 et seq.

Sec. 8-86. Permitting; inspection; certificate of occupancy and fees.

A permit shall be required to locate a preowned manufactured home in the jurisdiction.

(1) *Permit.* To obtain a permit, applicants shall provide to the building inspector:

- a. An affidavit signed by the applicant that the preowned manufactured home meets health and safety standards required by this Act;
- b. Photographs of the interior and exterior of the preowned manufactured home providing evidence that home meets the minimum health and safety standards of section 8-87;
- c. A \$500.00 refundable guarantee of condition bond or \$500.00 refundable cash deposit; and

- d. The permit and inspection fee required by subsection (4) of this section.
- (2) *Inspection.* Upon receipt of a permit, applicants may relocate the manufactured home on a residential site for the purposes of inspection. The applicant shall arrange for an inspection to be held once the installation of the manufactured home is complete.
 - (3) *Certificate of occupancy.* A certificate of occupancy shall be issued to the applicant at such time that the building inspector certifies that the requirements of this article have been met.
 - (4) *Fee.* A permit and inspection fee shall be charged to the applicant to cover the cost to the city to process the permit application and inspect the preowned manufactured home. Such fee shall cover the initial inspection and one followup inspection. The applicant shall be charged for each additional followup inspection that may be necessary.
 - (5) *Alternative inspection.* At the request of the applicant, the building inspector may, at his discretion, inspect a preowned manufactured home prior to its being relocated if the home is then located at another site within the city.

Sec. 8-87. Minimum health and safety standards.

All preowned manufactured homes shall comply with the following before being issued a certificate of occupancy by the building inspector:

- (1) *HUD code.* Every preowned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 USC 5401—5445 (the HUD code) and shall not have been altered in such a way that the home no longer meets the HUD code.
- (2) *Interior condition.* Every floor, interior wall, and ceiling of a preowned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
- (3) *Exterior condition.* The exterior of all preowned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
- (4) *Sanitary facilities.* Every plumbing fixture, water, and waste pipe of a preowned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

- (5) *Heating systems.* Heating shall be safe and in working condition. Unvented heaters shall be prohibited.
- (6) *Electrical systems.* Switches, receptacles, fixtures, etc., shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to ensure that all metallic parts are properly bonded. Each preowned manufactured home shall contain a water heater in safe and working order.
- (7) *Hot water supply.* Each home shall contain a water heater in safe and working condition.
- (8) *Egress windows.* Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.
- (9) *Ventilation.* The kitchen in the home shall have at least one operating window or other ventilation device.
- (10) *Smoke detectors.* Each preowned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

Sec. 8-88. Enforcement.

(a) Permanent connection to utilities shall not be approved until the building inspector has issued a certificate of occupancy.

(b) Owners of preowned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense.

(c) The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the building inspector.

Chapter 9

RESERVED

Chapter 10

BUSINESSES AND BUSINESS REGULATIONS*

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. Occupation Tax

- Sec. 10-19. Required.
- Sec. 10-20. Definitions.
- Sec. 10-21. Levied; computation of fulltime employees; tax schedule; limitations.
- Sec. 10-22. Practitioners of professions and occupations.
- Sec. 10-23. Insurance companies and agents.
- Sec. 10-24. Exemptions.
- Sec. 10-25. Evidence of state registration when required.
- Sec. 10-26. Evidence of qualification required if applicable.
- Sec. 10-27. Filing returns; other information required or requested.
- Sec. 10-28. Date due; penalty and interest.
- Sec. 10-29. Enforcement; violations.
- Sec. 10-30. Public hearings.
- Secs. 10-31—10-50. Reserved.

Article III. Pawnbrokers and Secondhand Dealers

- Sec. 10-51. Definitions.
- Sec. 10-52. License required.
- Sec. 10-53. Review of application.
- Sec. 10-54. Hours of operation.
- Sec. 10-55. Record to be kept; inspection of records authorized.
- Sec. 10-56. Daily report to police; inspection of shop authorized.
- Sec. 10-57. Penalty.

***State law references**—Local taxes and fees, Ga. Const. art. IX, § IV, ¶ I; limitation on expanding the power of municipal regulation over any business activity regulated by the public service commission, O.C.G.A. § 36-35-6(a)(5); business and occupation taxes, O.C.G.A. § 48-13-5 et seq.

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. OCCUPATION TAX

Sec. 10-19. Required.

For the year 2013 and succeeding years thereafter, each person engaged in any business, trade, profession or occupation in the city, whether with a location in the city or in the case of an out-of-state business with no 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 registration shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in the city. If the taxpayer has no permanent business location in the city, such business tax registration shall be shown to the city clerk or his designees or to any police officer or codes enforcement officer of the city upon request

Sec. 10-20. Definitions.

As used in this article, the following terms shall have the meanings respectively ascribed to them as follows:

Administrative fee means a component of an occupation tax which approximates the reasonable cost of handling and processing the occupation tax.

City means the City of Tennille, Georgia.

City clerk means the appointed city clerk or his designee.

Dominant line means the type of business, within a multiple-line business, that the greatest amount of income is derived from.

Location or *office* means a fixed place located within the city from which a person conducts business, but shall not include a work site located in the city for less than four months in any calendar year for the purpose of serving a single customer or project.

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.

Occupation tax certificate means a document issued by the city acknowledging payment of the occupation tax and administrative fee.

Person shall be held to include sole proprietors, corporations, partnerships, nonprofits or any other form of business organization.

Practitioner of profession or occupation.

- (1) The term "practitioner of profession or occupation" means one who, by state law requires state licensure regulating such profession or occupation. The term "practitioners of profession" includes:
 - a. Lawyers.
 - b. Physicians, licensed under O.C.G.A. title 43, chapter 34.
 - c. Osteopaths, licensed under O.C.G.A. title 43, chapter 34.
 - d. Chiropractors.
 - e. Podiatrists.
 - f. Dentists.
 - g. Optometrists.
 - h. Psychologists.
 - i. Veterinarians.
 - j. Landscape architects.
 - k. Land surveyors.
 - l. Practitioners of physiotherapy.
 - m. Public accountants.
 - n. Embalmers.
 - o. Funeral directors.
 - p. Civil, mechanical, hydraulic or electrical engineers.
 - q. Architects.
 - r. Marriage and family therapists, social workers and professional counselors.
- (2) The term "practitioner of profession or occupation" does not include a practitioner who is an employee of a business, if the business pays an occupation tax.

Regulatory fee means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business. A regulatory fee may not include an administrative fee. Development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development are not regulatory fees for the purposes of this article.

Sec. 10-21. Levied; computation of fulltime employees; tax schedule; limitations.

(a) An occupation tax based upon the number of employees is levied upon businesses and practitioners of professions and occupations if the business or practitioner:

- (1) Has one or more locations or offices within the corporate limits of the city; or

- (2) Is an out-of-state business or practitioner with no location or office in the city but:
- a. Has employees or agents engaging in substantial efforts to solicit business or serve customers or clients within the corporate limits of the city; or
 - b. Owns personal or real property that generates income and is located within the corporate limits of the city.

(b) The occupation tax is levied based on the number of employees of the business or practitioner as computed on a fulltime basis or fulltime position equivalent basis, provided that for the purposes of this computation an employee who works 40 hours or more weekly shall be considered a fulltime position employee and that the average weekly hours of employees who work less than 40 hours weekly shall be added and such sum shall be divided by 40 to produce fulltime position equivalents.

(c) The occupational tax is levied in accordance with a regressive rate table set by ordinance.

(d) The city shall not require the payment of more than one occupation tax for each location of a business or practitioner.

(e) A business or practitioner that has locations in the state and is subject to occupation tax by more than one local government in the state shall only be subject to occupation tax by the city for the number of employees who are employed within the corporate limits of the city.

- (1) This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof of current payment of the occupation tax of the other local governments.
- (2) If an employee works for the same business in more than one jurisdiction, the city or county in which the employee works the most in a calendar year may count the employee for occupation tax purposes.

(f) A business or practitioner with no location or office in the state shall only be required to pay occupation tax to the local government in the state where the largest dollar volume of business is done or service is performed by such business or practitioner.

- (1) This limitation shall only apply when the business or practitioner has provided to the city satisfactory proof of as to the applicability of this subsection.
- (2) If a business or practitioner with no location or office in the state provides to the city proof of payment of a local business or occupation tax in another state that purports to tax the business's or practitioner's sales or services in this state, then the business or practitioner shall be exempt from this occupation tax.

(g) Real estate brokers shall be subject to occupation tax pursuant to this article only if they maintain a principal or branch office in the city.

Sec. 10-22. Practitioners of professions and occupations.

Practitioners of professions and occupations enumerated in O.C.G.A. § 48-13-9(c) shall pay the occupation tax as set forth in section 10-21 or shall pay an occupation tax of \$400.00 per practitioner. On the tax return for 2013 or such later time as the practitioner first commences business in the city, the practitioner shall elect either method of taxation. Such election shall be changed for subsequent calendar years only by a written request filed by the practitioner on or before February 1 of the year in which the election is to be changed.

Sec. 10-23. Insurance companies and agents.

Each insurance company doing business in the city shall pay an annual license fee as allowed by O.C.G.A. § 33-8-8 and an additional fee in the same amount for each separate business location in excess of one operated and maintained by such company within the city. Each separate business location of an insurance company operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and which, in connection with the loans or sales involving term financing, offers, solicits, or takes applications for insurance through a licensed agent of the insurance company shall pay an annual fee of (\$10.00 or 35 percent of the schedule set forth in O.C.G.A. § 33-8-8(b)(1), whichever is greater).

Sec. 10-24. Exemptions.

- (a) No occupation tax shall be levied on the following:
- (1) Disabled veterans of any war or armed conflict in which any branch of the United States armed forces was involved, whether under United States command or otherwise;
 - (2) Blind persons;
 - (3) Veterans of peace-time service in the United States armed forces who has a physical disability which was incurred during that service;
 - (4) Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, or instrumentality of the United States, the state or a municipality or county of the state;
 - (5) Any state or local authority, nonprofit organization or vendor acting pursuant to a contract with a tax-exempt agricultural fair;
 - (6) Real estate brokers, except at the principal or branch office of a real estate broker;
 - (7) Motor vehicles required to be registered with the Georgia Public Service Commission;
 - (8) Those businesses regulated by the Georgia Public Service Commission;
 - (9) Those electrical service businesses organized under chapter 3 of title 46 of the Official Code of Georgia (O.C.G.A. title 46, chapter 3);

- (10) Any farm operation for the production from or on the land of agricultural products, but not including any agribusiness;
- (11) Nonprofit, agricultural product cooperative marketing associations pursuant to O.C.G.A. § 2-10-105;
- (12) Motor common carriers pursuant to O.C.G.A. § 46-7-15;
- (13) Persons purchasing guano, meats, meal, flour, bran, cottonseed or cottonseed meal and hulls in carload lots for distribution among the purchasers for use and not sale pursuant to O.C.G.A. § 48-5-355;
- (14) Pursuant to O.C.G.A. § 48-5-356 for persons selling or introducing into the city agricultural products or livestock, including animal products, raised in the state when the sale and introduction are made by the producer of the product and the sale is made within 90 days of the introduction of the product into the city;
- (15) Depository institutions pursuant to O.C.G.A. § 48-6-93; or
- (16) Any business on which the levy of such occupation tax is prohibited by the laws of the state or the United States.

(b) The exemptions and limitations contained in this article shall not be construed to repeal or otherwise affect in any way any franchise fees, business taxes or other fees or taxes otherwise allowed by law.

Sec. 10-25. Evidence of state registration when required.

Each person who is licensed under title 43 of the Official Code of Georgia Annotated (O.C.G.A. title 43) by the examining boards of the secretary of state's office shall provide evidence of proper and current state licensure before any city occupation tax certificate may be issued.

Sec. 10-26. Evidence of qualification required if applicable.

(a) Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of an occupation tax certificate, show evidence of such qualification.

(b) Any business required to submit an annual application for continuance of the business shall do so before the registration is issued.

(c) The city shall not impose registration or other regulatory requirements on attorneys authorized to practice law by the state bar.

Sec. 10-27. Filing returns; other information required or requested.

(a) On or before January 1 of each year, an individual, business or practitioner subject to this occupation tax ordinance shall file with city clerk, on a form approved by and available from the city, a signed return attesting to the number of employees of such business or practitioner during the calendar year.

(b) Individuals, businesses and practitioners doing business in the city shall submit to the city clerk or make available to the city within 30 days such information as may be required or requested by the city to determine the applicability and amount of the occupation tax or to facilitate levying or collecting the occupation tax.

Sec. 10-28. Date due; penalty and interest.

(a) Any occupation tax due pursuant to this article shall be due and payable annually within 30 days of January 1 for the preceding calendar year. Occupation taxes imposed on businesses commencing after January 1 will be due and payable 30 days following the commencement of business.

(b) If a business or practitioner commences business in the city on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be 50 percent of the tax imposed for the entire year.

(c) Payment of an occupation tax shall not be required prior to the commencement of business, nor shall it in any other manner act as a precondition on the practice of law.

(d) Any individual, business or practitioner subject to any occupation tax imposed by this article which is unpaid for 90 days after the date on which payment was due shall be subject to a penalty of ten percent of the tax or fee due, and interest at the rate of 1.5 percent per month.

Sec. 10-29. Enforcement; violations.

(a) It is the duty of city clerk to administer and enforce the provisions of this article, to perform all functions necessary to administer and enforce this article and to summon violators of this article to appear before the municipal court. The city clerk may issue executions against individuals, businesses and practitioners for taxes or fees which are due and owing; any penalty imposed by section 10-28; and any interest imposed by section 10-28.

(b) The city clerk shall issue executions against individuals, businesses and practitioners for taxes or fees which are due and owing, penalties, or interest. Such executions shall bear interest at the rate authorized by O.C.G.A. § 48-2-40 or, if such statute should be repealed or ruled invalid by a court of competent jurisdiction, one percent per month. The lien shall cover the property of the individual, business or practitioner liable for payment of the delinquent occupation tax and become fixed as of the date and time the occupation tax became delinquent. The execution shall be levied by city clerk of the city upon property of the delinquent tax or fee payer located in the city and sufficient property shall be advertised and sold to pay the amount of the execution, including penalty, interest and costs. All other proceedings in relation thereto shall be as provided by this Code and Charter of the city and the laws of the state. The defendants at execution shall have the rights of defense, by affidavit of illegality of the tax or otherwise as provided by the Charter of the city and the laws of the state in regard to tax executions.

(c) Individuals, businesses and practitioners who fail or refuse to pay any occupation tax charged pursuant to this article shall be subject to a fine of not more than \$500.00 that may be enforced by the contempt power of the court.

(d) Individuals, businesses and practitioners who fail or refuse to make a timely or truthful tax return or make available truthful and accurate information the city requests or requires for determining applicability or amount of occupation tax or for levying or collecting such occupation tax shall be subject to a fine, penalty or both.

(e) All persons subject to the occupation tax imposed by this article shall be required to file for and pay such tax or fee. For failure to do so, any officers or agents soliciting for or obtaining business for such person, business or practitioner shall be subject to the same penalty as other persons, businesses or practitioners who fail to make a return for or pay the applicable occupation tax.

Sec. 10-30. Public hearings.

(a) After January 1, 2014, the city shall conduct at least one public hearing before adopting any ordinance or resolution which will increase the occupation tax rate specified in section 10-21.

(b) In any year when revenue from occupation taxes is greater than revenue from occupation taxes for the preceding year, the city shall hold one public hearing as part of the process of determining how to use the additional revenue.

Secs. 10-31—10-50. Reserved.

ARTICLE III. PAWNBROKERS AND SECONDHAND DEALERS

Sec. 10-51. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Pawnbroker means any person engaged, in whole or in part, in the business of lending money on the security of pledged goods, or engaged, in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or engaged, as part of the business activities described in this definition in the business of purchasing tangible personal property on the condition that it may be redeemed or in conjunction therewith, in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers.

Person means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

Pledged goods means tangible personal property other than choses in action, securities or printed evidences of indebtedness, which property is purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in the course of his business.

Sec. 10-52. License required.

No person shall conduct business as a pawnbroker, or maintain an establishment for the purpose of conducting business as a pawnbroker, until a business license has been obtained from the city coordinator or designee. Such license application shall be made to the city clerk or his designee and license issued only upon approval by the mayor and council.

Sec. 10-53. Review of application.

No action on any application for a pawnbroker's license shall be taken until the chief of police has reviewed and investigated such application and forwarded his recommendation thereon to the mayor and council for their consideration, approval or denial.

Sec. 10-54. Hours of operation.

- (a) The hours for opening and closing a pawnshop shall be as follows:
 - (1) Opening hour, no earlier than 6:00 a.m.;
 - (2) Closing hour, no later than 7:00 p.m., except on Saturdays, when the closing hour may be 10:00 p.m.
- (b) Pawnshops shall not be open on Sundays.

Sec. 10-55. Record to be kept; inspection of records authorized.

(a) Any pawnbroker shall be required to keep a book or register, upon which shall be entered each article or thing taken or held as security for a loan made by the person, as well as, the name and place of residence of the owner or person pledging the same. The book or register, as well as the articles themselves, shall be at all times open to the unrestricted inspection of city police officers.

(b) Any person selling or pledging any article as provided in this section shall be required to show positive identifications and the person taking the pledge shall require and record in the book or register, required in subsection (a) of this section, that identification.

Sec. 10-56. Daily report to police; inspection of shop authorized.

(a) Each pawnbroker shall make a report to the police department before 12:00 noon each day (except Sunday, when the transactions of Saturday shall be reported on the following Monday), of every article or thing pawned to or purchased, whether such purchase is unconditional, or with the privilege of redemption on the part of the seller, and made on the previous business day. The report shall specify the article or thing, giving a full description, such as number, mark and all other details that will make identification of such article or thing clear and positive.

(b) Each pawnbroker's shop shall be subject to visitation and inspection by the police. If any pawnbroker refuses to submit to visitation or inspection, his shop shall be immediately closed by order of the mayor.

Sec. 10-57. Penalty.

Violators of this article shall, upon conviction in municipal court, be subject to the penalties provided in the general penalty section of chapter 1.

Chapter 11

RESERVED

Chapter 12

EMERGENCY MANAGEMENT*

- Sec. 12-1. Regulations continued in effect.
- Sec. 12-2. Emergency management and response powers.
- Sec. 12-3. Enforcement and remedies.
- Sec. 12-4. Authority to waive procedures and fee structures.
- Sec. 12-5. Registration of building and repair services.
- Sec. 12-6. Closed or restricted areas and curfews during emergency.

***Editor's note**—Also see Charter section 2.24 concerning emergencies.

State law reference—Georgia Emergency Management Act of 1981, O.C.G.A. § 38-3-1 et seq.

Sec. 12-1. Regulations continued in effect.

All ordinances, resolutions, motions and orders pertaining to civil defense, emergency management and disaster relief, which are not in conflict with this chapter, are continued in full force and effect. Such ordinances, etc., are on file in the office of the city clerk.

Sec. 12-2. Emergency management and response powers.*(a) Declaration of local emergency.*

- (1) *Grant of authority.* In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the city and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the mayor may declare a local emergency for the city. The form of the declaration shall be similar to that provided in subsection (b) of this section.
- (2) *Request for state assistance.* Consistent with a declaration of local emergency, the mayor may request the governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the city to meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.
- (3) *Continuance.* The declaration of local emergency shall continue until the mayor finds that emergency conditions no longer exist, at which time, the mayor shall execute and file with the city clerk a document marking the end of the state of emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the mayor. The city governing authority may, by resolution and in accordance with the city Charter, end a state of local emergency at any time.
- (4) *Effect of declaration.*
 - a. *Activation of emergency operations plan.* A declaration of emergency by the governor or a declaration of local emergency by the mayor shall automatically activate the local emergency operations plan and shall be authority for the deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters.
 1. The city coordinator or other person designated by the council and/or his designees shall have the legal authority to exercise the powers and discharge the duties conferred by law, including the implementation of the local emergency operations plan, coordination of the emergency responses of

public and private agencies and organizations, coordination of recovery efforts with county, state and federal officials, and inspection of emergency or disaster sites.

2. In responding and conducting necessary and appropriate investigations, the coordinator or designated official is authorized to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting sites involved with emergency management functions. The coordinator or designated official is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the city; however, any such document shall be later presented for ratification by the city governing authority.
 3. No person shall refuse entry or access to any authorized representative or agent of the city who requests entry for purposes of inspection, and who presents appropriate credentials. Nor shall any person obstruct, hamper or interfere with any such representative while that individual is in the process of carrying out his official duties.
- b. *Emergency powers.* Following a declaration of emergency and during the continuance of such state of emergency, the mayor is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control. In exercising this authority, the mayor may cause to become effective any of the following sections of this chapter as appropriate: overcharging prohibited, registration of building and repair services, and closed or restricted areas and curfews. If any of these sections is included in a declaration of local emergency, the same shall be filed in the office of the city clerk and shall be in effect until the declaration of local emergency has terminated.
- c. *Authority to waive procedures and fees.* Pursuant to a declaration of emergency, the city governing authority is authorized to cause to be effective any of the subsections of section 12-4, as appropriate. The implementation of such subsections shall be filed in the office of the city clerk.
- d. *Additional emergency powers.* The coordinator or designated official shall have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:
1. To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;
 2. To prescribe routes, modes of transportation and destinations in connection with evacuation;
 3. To suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and flammable liquids and substances;
 4. To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters;

5. To transfer the direction, personnel or functions of any city departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
6. To utilize all available resources of the city and subordinate agencies over which the city has budgetary control as reasonably necessary to cope with the emergency or disaster;
7. To commandeer or utilize public or private property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare, and/or the property of citizens;
8. To suspend any law, code provision or regulation prescribing the procedures for conduct of city business, or the orders, rules or regulations of any city agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;
9. To provide welfare benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes;
10. To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

(b) *Form of declaration.* Upon the declaration of local emergency, an official "Declaration of Local Emergency," in substantially the same form set forth in this subsection, shall be signed and filed in the office of the city clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this chapter which shall be in effect.

DECLARATION OF LOCAL EMERGENCY

WHEREAS, the City of Tennille, Georgia has experienced an event of critical significance as a result of [Description of Event] on [Date]; and

WHEREAS, in the judgment of the Mayor of the City of Tennille, there exist emergency circumstances located in [Describe Geographic Location] requiring extraordinary and

immediate corrective actions for the protection of the health, safety and welfare of the citizens of the City of Tennille, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event;

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

WHEREFORE, it is ordered that:

- (1) The local emergency operations plan is hereby activated;
- (2) The following sections of the City of Tennille Code shall be implemented: [If deemed appropriate, choose from the following: Overcharging; Registration of Building and Repair Services; Closed or Restricted Areas and Curfews]; and
- (3) The following measures also be implemented: [Such Other Measures as Appropriate].

Entered at [Time] on [Date].

[Signed]

Mayor, City of Tennille

(c) *Contracts with local governments.* In addition to the normal agreements embodied in the local emergency operations plan for mutual emergency assistance, the city may contract with any municipality or county for the administration of a local emergency response program.

Sec. 12-3. Enforcement and remedies.

(a) *Law enforcement.* In accordance with O.C.G.A. § 38-3-4, the city police department shall be authorized to enforce the orders, rules and regulations contained in this chapter and/or implemented by the local governing authority during a declared emergency.

(b) *Penalties.* Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any Code section, order, rule or regulation made effective by the local governing authority upon or after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction thereof, be punishable by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 120 days, or both such fine and imprisonment, for each violation. The owner of land upon which a violation occurs, and each person assisting in the commission of a violation, shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

(c) *Injunctive relief.* In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the city is authorized to obtain an injunction to restrain violation of laws, Code sections, orders, rules and regulations which are contained in the Georgia Emergency Management Act and/or this Code, and/or which are implemented by the local governing authority during a declared emergency.

(d) *Enforcement.* Except as otherwise provided in this chapter, this chapter may be enforced by the city police department.

Sec. 12-4. Authority to waive procedures and fee structures.

(a) *City business.* Upon declaration of an emergency or disaster by the governor or mayor, the affairs and business of the city may be conducted at places other than the regular or usual location, within or outside of the city, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the city, all actions taken by the city governing authority shall be as valid and binding as if performed within the city. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

(b) *Public works contracts.* Upon declaration of an emergency or disaster by the governor or mayor, the city may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the city as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e).

(c) *Purchasing.* Upon declaration of an emergency or disaster by the governor or mayor, the purchasing ordinances, regulations or policies may be suspended. City officials shall continue to seek to obtain the best prices during the state of local emergency.

(d) *Code enforcement.* Upon declaration of a state of emergency or disaster by the governor or mayor, the city governing authority may temporarily suspend the enforcement of the ordinances of the city, or any portion thereof, where the emergency is of such a nature that immediate action outside the Code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

(e) *Fees.* Upon declaration of a state of emergency or disaster by the governor or mayor, the city may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" includes fees or rates charged by the city for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean up of areas impacted by

the disaster or emergency. The term "fees" does not include fees collected by the city on behalf of the state or federal government or fees charged by the city pursuant to a state or federal statute or regulation.

(f) *Temporary dwellings.* Upon the declaration of a state of emergency or disaster by the governor or mayor, the city or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

Sec. 12-5. Registration of building and repair services.

(a) In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the city designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the city clerk and secure a building permit that is posted at the work site. Each day any such entity does business in the city without complying with this chapter constitutes a separate offense.

(b) The cost of registration fees in a declared emergency or disaster is fixed at \$50.00 per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

(c) When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application, providing the following information:

- (1) The name of applicant;
- (2) The permanent address and phone number of applicant;
- (3) The applicant's social security number or federal employer identification number;
- (4) If applicant is a corporation, the state and date of incorporation;
- (5) The tag registration information for each vehicle to be used in the business;
- (6) A list of cities and/or counties where the applicant has conducted business within the past 12 months;
- (7) Georgia sales tax number or authorization;
- (8) Georgia business license number, if required.

(d) *Effective date.* This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the city governing authority, the provisions of this section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

Sec. 12-6. Closed or restricted areas and curfews during emergency.

(a) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place during a declared emergency between hours specified by the mayor until the curfew is lifted.

(b) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the mayor shall have discretion to impose reentry restrictions on certain areas. The mayor shall exercise such discretion in accordance with the local emergency operations plan, which shall be followed during emergencies.

(c) The provisions of this section shall not apply to persons acting in the following capacities:

- (1) Authorized and essential law enforcement personnel;
- (2) Authorized and essential health care providers;
- (3) Authorized and essential personnel of the city;
- (4) Authorized National Guard or federal military personnel;
- (5) Authorized and essential firefighters;
- (6) Authorized and essential emergency response personnel;
- (7) Authorized and essential personnel or volunteers working with or through an emergency management agency (EMA);
- (8) Authorized and essential utility repair crews;
- (9) Citizens seeking to restore order to their homes or businesses while on their own property or place of business;
- (10) Other authorized and essential persons as designated on a list compiled by the city coordinator or other official designated by the city council.

(d) Enforceability. This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during the emergency. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.

(e) Effective date. This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

Chapter 13

RESERVED

Chapter 14

ENVIRONMENT

Article I. In General

Secs. 14-1—14-15. Reserved.

Article II. Noise

Division 1. Generally

Secs. 14-16—14-20. Reserved.

Division 2. Unnecessary Noises Which Injure or Endanger Comfort or Safety Within
Limits of City

- Sec. 14-21. Unreasonably loud noise prohibited.
- Sec. 14-22. Certain acts deemed offensive; nonexclusive.
- Sec. 14-23. Penalty.
- Secs. 14-24—14-30. Reserved.

Division 3. Engine Braking

- Sec. 14-31. Definitions.
- Sec. 14-32. Prohibition.
- Sec. 14-33. Exceptions.
- Sec. 14-34. Posting of signs.
- Sec. 14-35. Violations and penalties.
- Secs. 14-36—14-45. Reserved.

Article III. Air Pollution

Division 1. Generally

- Sec. 14-46. Title.
- Sec. 14-47. Definitions.
- Sec. 14-48. Enforcement and penalties.
- Sec. 14-49. Declaration of nuisance.
- Sec. 14-50. Jurisdiction.
- Sec. 14-51. Control officer duties and powers.
- Secs. 14-52—14-75. Reserved.

Division 2. Control Measure Requirements

- Sec. 14-76. Fugitive dust.
- Sec. 14-77. Construction activities.
- Sec. 14-78. Unpaved parking and outdoor storage areas.
- Sec. 14-79. Open areas and vacant lots.
- Sec. 14-80. Burning.

TENNILLE CODE OF ORDINANCES

Sec. 14-81. Posting of informational signs on construction sites.
Secs. 14-82—14-105. Reserved.

Article IV. Soil Erosion and Sedimentation Control

Sec. 14-106. Title.
Sec. 14-107. Definitions.
Sec. 14-108. Penalties and incentives.
Sec. 14-109. Exemptions.
Sec. 14-110. Minimum requirements. for erosion and sedimentation control using best management practices.
Sec. 14-111. Application and permitting process.
Sec. 14-112. Inspection and enforcement.
Sec. 14-113. Education and certification.
Sec. 14-114. Administrative appeal and judicial review.

ARTICLE I. IN GENERAL

Secs. 14-1—14-15. Reserved.

ARTICLE II. NOISE

DIVISION 1. GENERALLY

Secs. 14-16—14-20. Reserved.

**DIVISION 2. UNNECESSARY NOISES WHICH INJURE OR ENDANGER THE
COMFORT OR SAFETY WITHIN LIMITS OF CITY**

Sec. 14-21. Unreasonably loud noise prohibited.

It shall be unlawful for any person to make or continue, or cause to be made or continued any unreasonably loud noise, or any noise, which either injures or endangers the comfort, health, peace or safety of others within the limits of the city.

(Ord. of 9-10-1990, § 1)

Sec. 14-22. Certain acts deemed offensive; nonexclusive.

The following acts are declared to be loud noises which disturb, injure or endanger the comfort, health, peace of safety of others within the limits of the city in violation of this article. Said enumeration shall not be deemed to be exclusive:

- (1) The playing, using or operating, or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph or other machine or device, for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing, for the persons who are in the room or vehicle in which such a machine or device is operated and who are voluntary listeners thereto.
- (2) The operation of any cassette, instrument, phonograph, machine or sound amplification device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of the violation of this section.

(Ord. of 9-10-1990, § 2)

Sec. 14-23. Penalty.

Any person found in violation of any of the provisions stated in this division shall be punished in the municipal court.

(Ord. of 9-10-1990, § 3)

Secs. 14-24—14-30. Reserved.

DIVISION 3. ENGINE BRAKING

Sec. 14-31. Definitions.

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

Engine braking means the use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

Sec. 14-32. Prohibition.

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the city limits, any mechanical exhaust or decompression device which results in the practice known as "engine braking."

Sec. 14-33. Exceptions.

The provisions of this division shall not apply to the application of unmuffled compression brakes where necessary for the protection of persons and/or property which cannot be avoided by application of engine compression brakes, otherwise known as "engine braking," which is effectively muffled or if the application is necessary for the health, safety and welfare of the community is exempt from the provisions of this division. Sounds created by emergency equipment for emergency purposes are also exempt.

Sec. 14-34. Posting of signs.

The city is hereby authorized to post at reasonable locations, within the city, signs indicating the prohibition of engine braking.

Sec. 14-35. Violations and penalties.

Any person convicted of a violation of this division shall be punished by a fine of not more than \$300.00 or by imprisonment for a period of not to exceed ten days.

Secs. 14-36—14-45. Reserved.

ARTICLE III. AIR POLLUTION

DIVISION 1. GENERALLY

Sec. 14-46. Title.

This article will be known as "Tennille Air Pollution Nuisance Including Fugitive Dust Ordinance."

(Ord. of 7-14-2008, § 1)

Sec. 14-47. 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:

Air pollution means the presence in the outdoor atmosphere of one or more air contaminants or any combination thereof, including without limitation fugitive dust and sand, in such quantity and duration as may tend to:

- (1) Injure human health or welfare, animal or plant life or property;
- (2) Limit visibility or interfere with scenic, aesthetic and historic values of the city;
- (3) Interfere with the enjoyment of life or property.

Ambient air means the portion of the atmosphere, which is external to buildings, structures, facilities or installations to which the public has access.

Atmosphere means all the air surrounding the earth and external to buildings and structures.

Best practical methods means air pollution control measures including, without limitation:

- (1) Phased clearing of lands;
- (2) The use of dust palliative;
- (3) The use of water;
- (4) The use of a fencing material that inhibits the wind;
- (5) The use of windbreaks;
- (6) Revegetation;
- (7) The use of ground cover (e.g., gravel, decorative stone);
- (8) Physical barriers and signs to prohibit access to the disturbed areas by motorized vehicles;
- (9) Controls on single lot development approved as a part of a land division subject to these regulations;
- (10) Cessation of operations when wind conditions exceed the operator's ability to control fugitive dust.

The term "best practical methods" is synonymous with the term "best management practices."

Builder means a person who is engaged in any construction activity.

Burn barrel means a container made of metal or other fire-resistant substance used to hold vegetation or combustible material while burning.

City means the City of Tennille, a legal municipality within the state.

Construction activity means any component including, without limitation, the following:

- (1) Commercial and residential construction, flood control construction, and highway construction, including land clearing;
- (2) Maintenance and land cleanup using machinery; soil and rock exaction or removal;
- (3) Soil or rock hauling;
- (4) Soil or rock crushing or screening;
- (5) Filling, compacting, stockpiling and grading;
- (6) Explosive blasting;
- (7) Demolition;
- (8) Implosion;
- (9) Handling of building materials capable of entrainment in air (e.g., sand, cement powder);
- (10) Dismantling or demolition of buildings; and
- (11) Mechanized trenching.

Contractor means a person acting as an agent of a landowner who is engaged in construction activity or other disturbance to real property.

Control measure means a technique, practice or procedure used to prevent or minimize the generation, emission, entrainment, suspension and/or airborne transport of fugitive dust.

Control officer means the duly employed code enforcement officer for the city.

Corrective action means any action taken by the control officer or any person for the purpose of eliminating dense smoke or air pollution.

Disturbed area means a portion of the earth's surface (or material placed thereupon), which has been physically moved, uncovered or destabilized, thereby increasing the potential for the emission of fugitive dust.

Dust means fine, dry, pulverized particulate matter including, without limitation, earth and sand.

Dust control plan means a plan to formalize the best practical methods for a project specific fugitive dust control program.

Dust palliative means gyrosopic material, nontoxic chemical stabilizer or other material which is not prohibited for ground surface application by the Federal Environmental Protection Agency (EPA) or the state department of environmental protection division (GAEPD) or any applicable law or regulation, used as a treatment material for reducing fugitive dust emissions.

Dust suppressant means water, hygroscopic material, solution of water and chemical surfactants, foam, nontoxic chemical stabilizer or any other dust palliative which is not

prohibited for ground surface application by the Federal Environmental Protection Agency (EPA) of the state department of environmental protection division (GAEPD) or any applicable law or regulation, used as a treatment material for reducing fugitive dust emissions.

Emergency means a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God that require immediate corrective action to restore normal operations.

Emissions means the act of passing into the atmosphere a pollutant regulated under this article. The term "emissions" includes the material passed to the atmosphere.

Excessive emission means emissions such as soot, cinders, fly ash, dust, noxious acids, fumes, gases and smoke, in such a quantity and duration as may tend to:

- (1) Injure human health or welfare, animal or plant or property;
- (2) Limit visibility or interfere with scenic, aesthetic and historic values of the city; and
- (3) Interfere with the enjoyment of life or property.

Fugitive dust means fine dry pulverized particulate matter, including earth and sand, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, including, without limitation, movement of soil, vehicles, equipment, blasting, wind or the cessation of water to irrigated lands.

Open areas and vacant lots means any of the following described in subsections (1) through (5) of this definition. For purposes of this article, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.

- (1) An unsubdivided or undeveloped tract of land.
- (2) A subdivided lot, which contains no approved or permitted buildings or structures of a temporary or permanent nature.
- (3) An undeveloped or partially developed lot.
- (4) Nonroad easements.
- (5) An area of land upon which the application of water, for purposes of irrigation, has been discontinued.

Open burning means any fire from which the products of combustion are emitted into the atmosphere without passing through stack, chimney or duct.

Person means the United States of America, the state, any political subdivision of the state, any individual, group of individuals, partnership, firm, company, corporation, association, trust estate, political subdivision, administrative agency, public or quasi-public corporation or other legal entity.

Stop order means an order given to a person by the control officer, or by the judge of a court of competent jurisdiction to immediately cease an activity resulting in the emission of dense smoke or air pollution.

Unpaved parking and storage areas means those parcels or portions of parcels that include, but are not limited to, parking lots, automotive impound and/or dismantling yards, material and equipment handling and/or storage yards, salvage and/or wrecking yards, outside storage and/or display, and similar uses.

(Ord. of 7-14-2008, § II)

Sec. 14-48. Enforcement and penalties.

(a) Enforcement. The control officer shall be responsible for enforcement of all provisions of this article.

(b) Violations. Failure to comply with any requirement of this article is a violation and is subject to imposition of a penalty as further described in this article. The control officer may issue a written notice of violation to the person causing air pollution or excessive emissions. Such violations may include, without limitation, the following:

- (1) The violation of any provision of this article;
- (2) The violation of any term or condition of any plan created to reduce or eliminate excessive emissions;
- (3) Failure to pay fine or fee;
- (4) Falsification of any material statement, representation or certification in any application, notice or report made under this article; or
- (5) Administrative procedures.

(c) Any person who violates any provision of this article may be further punished may be punished by a fine of not more than \$500.00 for each day of any violation.

(d) Any person engaged in a violation of this article may be referred to the city municipal court, by the control officer, for criminal prosecution.

(e) The control officer may issue a stop order to any person engaged in any disturbance to land, or any improvements thereto, resulting in an air pollution nuisance in the city.

(f) Any person served a stop order must immediately cease all activities causing air pollution. Such a person may, after correction of the conditions causing air pollution, make application to rescind the stop order setting forth all facts and circumstances in favor of the application. In the event that the control officer finds the circumstances justifying the stop order no longer exist, the order must be rescinded. If rescission of the stop order is not warranted, the control officer must issue a written summary of findings to the applicant.

(Ord. of 7-14-2008, § V)

Sec. 14-49. Declaration of nuisance.

(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:

Public nuisance specifically includes the disturbance to real property caused by the discontinuation of irrigation, by sale or lease, of appurtenant water rights in anticipation of,

or actual transfer to, a nonappurtenant use inconsistent with the cultivation of the lands to which the water use described is appurtenant where such discontinuation results in air pollution or excessive emissions.

(b) It is hereby declared that the excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases from any source, including a disturbance to real property, within the city are public nuisances. The same are subject to abatement, control, prevention, prohibition and regulation, as provided for by this article.

(Ord. of 7-14-2008, § III)

Sec. 14-50. Jurisdiction.

The provisions of this article shall apply to all incorporated areas of the city. The provisions of this article do not impose upon an owner of real property to control or mitigate dust-related pollution associated with publicly maintained roads providing access to his property.

(Ord. of 7-14-2008, § IV)

Sec. 14-51. Control officer duties and powers.

(a) The administrative enforcement of the provisions of this article shall be performed by the control officer subject to review by the city council.

(b) No person shall refuse entry or access to the control officer, or other authorized representative of the city council who requests entry for purposes of enforcement of the provisions of this article, and who presents with appropriate credentials. No person may obstruct, hamper or interfere with any enforcement action, including without limitation, a preliminary investigation.

(c) The control officer may require from any person such information as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged from a source of air pollution.

(d) Whenever the control officer believes that a regulation for the prevention, abatement or control of air pollution has been violated, he shall cause written notice to be served in person or by certified mail upon the person or persons responsible for the alleged violation.

(e) The notice of violation issued under this article shall specify as follows:

- (1) The regulation alleged to be violated;
- (2) A summary of facts alleged to constitute the violation;
- (3) The notice may include an order to take corrective action within a reasonable amount of time. Such corrective action shall be specified in the notice;
- (4) Corrective action includes any stop order issued. Any stop order will be specified in the notice.

(f) Any corrective action notice or stop order issued under this article becomes final unless appealed to the city council within ten days after service upon the person ordered to take corrective action.

(g) Any corrective action or stop order may be immediately appealed to the city municipal judge. The city municipal judge may upon a finding made at a hearing in the matter determine to stay the corrective action or stop order issued to a person by the control officer. An appeal by any decision by the city municipal judge may be made to the city council. Such appeal must be made within ten days of the date of decision by the city municipal judge.

(h) A corrective action order appealed to the city municipal judge becomes final immediately upon its approval by the city municipal judge.

(i) Failure to comply with a final corrective action order or stop order is a violation of this article.

(j) If corrective action is not taken within the time specified, with or without a corrective order, the control officer may issue notice for the persons responsible for the alleged violations to appear before the city municipal judge for imposition of an appropriate penalty and/or order to show cause.

(k) Nothing in this article prevents the city council or the control officer from attempting to obtain voluntary compliance through other means, including, without limitation, issuance of a warning or a conference.

(l) The control officer shall be responsible to provide public awareness as to the abatement, control, prevention, prohibition and regulation of excessive emissions and air pollution.
(Ord. of 7-14-2008, § VI)

Secs. 14-52—14-75. Reserved.

DIVISION 2. CONTROL MEASURE REQUIREMENTS

Sec. 14-76. Fugitive dust.

(a) Any person engaged in activities that disturb the soil, so causing dust emissions into the atmosphere, shall take all reasonable precautions to prevent excessive emissions into the atmosphere that may be injurious to health and safety.

(b) Agricultural operations involving customarily accepted practices on agricultural lands are not public nuisances as defined in this article.

(c) Certain activities that customarily produce excessive emissions of dust shall be required to file a dust control plan with the city prior to the commencement of the activity, to ensure control measures are implemented to abate and prevent excessive emissions.

(Ord. of 7-14-2008, art. 2)

Sec. 14-77. Construction activities.

The term "construction activity" means any component of the following, including, without limitation: commercial and residential construction, flood control construction, and highway construction, including land clearing; maintenance, and land cleanup using machinery; soil and rock excavation or removal; soil or rock hauling; soil or rock crushing or screening; filling; compacting, stockpiling and grading; explosive blasting; demolition; implosion; handling of building materials capable of entrainment in air (e.g. sand, cement powder); dismantling or demolition of buildings; and mechanized trenching.

- (1) Except when engaged in customarily accepted agricultural operations, no person may initiate a construction activity that results in the emission of fugitive dust unless best practical methods are taken to prevent generation of fugitive dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped.
- (2) Any residential or commercial construction involving the disturbance or clearing of aggregate one acre or more must file a dust control plan with the city prior to commencement of the construction activity. The dust control plan shall specify the use of best practical methods to control the generation of fugitive dust.
- (3) Demolition of any commercial or residential structure by other than manual means.
- (4) The following construction related activities do not require a dust control plan:
 - a. Landscaping by an individual at his place of residence;
 - b. Emergency maintenance activities conducted by government agencies on publicly maintained roads, road shoulders, rights-of-way and on public flood control facilities.

(Ord. of 7-14-2008, art. 2)

Sec. 14-78. Unpaved parking and outdoor storage areas.

The owner of any unpaved parking area and outdoor storage area for any commercial or industrial operation shall prevent excessive emissions of dust into the atmosphere that may be injurious to health, safety and property.

(Ord. of 7-14-2008, art. 2)

Sec. 14-79. Open areas and vacant lots.

(a) The owner of any open areas, vacant lots or contiguous parcels with disturbed areas in aggregate of more than one acre is required to control the release of fugitive dust from the parcel or contiguous parcels by implementing one or more of the following best practical methods:

- (1) Physical barriers and signs to prohibit access to the disturbed areas by motorized vehicles;
- (2) The use of ground covers;

- (3) The use of dust palliative (chemicals that bind soil together and retain moisture);
- (4) The use of windbreaks;
- (5) The application of water in an amount and frequency adequate for the soil to develop a crust;
- (6) Revegetation; or
- (7) Develop the property by constructing on-site improvements such as structures, landscaping, driveways and parking areas that result in controlling fugitive dust.

In the event that the disturbed areas are primarily the result of recurrent unauthorized use of the property by motorized vehicles, the application of water is not a suitable control measure without the erection and maintenance of physical barriers. Parking on open areas and vacant lots for private purposes by the owner of such open areas and vacant lots shall not be considered vehicle use under this subsection.

(b) Mechanized weed abatement and/or trash removal. If machinery is used to clear weeds and/or trash from open areas and vacant lots larger than one acre, then the following control measures shall be applied:

- (1) Pre-wet surface soils before mechanized weed abatement and/or trash removal occurs;
- (2) Maintain soil moisture while mechanized weed abatement and/or trash removal is occurring;
- (3) Apply water, or apply suitable dust palliative, apply gravel, or pave after mechanized weed abatement and/or trash removal occurs;
- (4) In order to conserve water resources within the city to the greatest extent practicable, the use of reclaimed water is highly recommended.

(Ord. of 7-14-2008, art. 2)

Sec. 14-80. Burning.

(a) Except as otherwise provided for by law or this article, no person shall kindle or maintain any open burning which results in the excessive emission of dense smoke, soot, cinders, fly ash, fumes or air pollution that may cause injury to health, safety and property.

(b) Burning of material that may result in excessive emissions of dense smoke must get approval from the city fire chief prior to burning.

(Ord. of 7-14-2008, art. 2)

Sec. 14-81. Posting of informational signs on construction sites.

(a) The dust control plan sign shall be constructed with weatherproof materials capable of withstanding the harsh environment (e.g., strong winds, intense sunlight) and with black lettering on a white background clearly legible from the street.

(b) The sign board shall contain the following information:

- (1) The project name;
- (2) The project street address;
- (3) The owner's/operator's name;
- (4) The telephone number of the person responsible for dust control;
- (5) A city telephone number;
- (6) The project acreage.

(c) The signboard must be legible from the road and not obstructed by other signs or materials.

(d) Where a builder, contractor or developer has placed a proprietary or informational sign at the construction site, and where such sign is in substantial compliance with this section, no further other sign is necessary under this section.

(e) Where construction can reasonably be completed in two weeks or less, a landowner may request a variance to the requirements of this section from the control officer.

(Ord. of 7-14-2008, art. 2)

Secs. 14-82—14-105. Reserved.

ARTICLE IV. SOIL EROSION AND SEDIMENTATION CONTROL

Sec. 14-106. Title.

This article will be known as "Tennille Soil Erosion and Sedimentation Control Ordinance."
(Ord. of 2-13-2006, § I)

Sec. 14-107. 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) means a collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia, specified in O.C.G.A. § 12-7-6(b).

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.

Commission means the state soil and water conservation commission.

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; also known as excavation.

Department means the department of natural resources.

Director means the director of the environmental protection division of the department of natural resources.

District means the Central Georgia Soil and Water Conservation District.

Division means the environmental protection division of the state department of natural resources.

Drainage structure means a device composed of a virtually nonerodible 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 for the control of soil erosion and sedimentation resulting from a land-disturbing activity; also known as the "plan."

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

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

Grading means altering 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 14-109(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, the term "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.

Operator means the parties that have:

- (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 a stormwater pollution prevention 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 stormwater pollution prevention plan or to comply with other permit conditions.

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

Person means 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.

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

Qualified personnel means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Roadway drainage structure means a device such as a bridge, culvert or ditch, composed of a virtually nonerodible 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 way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, 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 and sedimentation control plan approved in writing by the Central Georgia Soil and Water Conservation District.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum 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 general 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 of a single individual, partnership or corporation.

Structural erosion and sedimentation control practices means 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 riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout streams means all streams or portions of streams within the watershed as designated by the game and fish 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 et seq. 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 waters 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 means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

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

Such measures can be found in the publication 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 means 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 2-13-2006, § II)

Sec. 14-108. 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 article 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 issuing authority.

(b) *Stop work orders.*

- (1) For the first and second violations of the provisions of this article, 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; and
- (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.

When a violation 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 article 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 14-111(b)(5)b. The 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 article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any city Charter to the contrary, municipal courts 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 violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under county ordinances approved under this article shall be authorized to impose penalties for such violations 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 2-13-2006, art. VII)

Sec. 14-109. Exemptions.

This article 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, Mineral Resources and Caves Act;
- (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 section 14-110 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 Water

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 section 14-110 and the buffer zones provided by this section shall be enforced by the issuing authority;

- (5) Agricultural operations as defined in O.C.G.A. § 1-3-3, definitions, to include:
 - a. Raising, harvesting or storing of products of the field or orchard;
 - b. Feeding, breeding or managing livestock or poultry;
 - c. Producing or storing 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 and turkeys;
 - d. Producing plants, trees, fowl or animals;
 - e. The production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products;
 - f. 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 14-110(c)(15) and (16), 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 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 subsection (1), (2), (3), (4), (5), (6), (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 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 department of transportation or state tollway authority which disturb one or more contiguous acres of land shall be subject to 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 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 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 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; and
- (11) Any public water system reservoir.
(Ord. of 2-13-2006, § III)

Sec. 14-110. Minimum requirements. for erosion and sedimentation control using best management practices.

(a) *General provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this article shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the

erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of subsections (b) and (c) 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 and sedimentation pollution during all stages of any land-disturbing activity.

(b) *Minimum requirements/BMPs.*

- (1) Best management practices as set forth in this subsection and subsection (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" mean designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia 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 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 to be 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 a 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.

(c) *Regulations of this chapter as stringent as the state general permit.* The rules and regulations, ordinances or resolutions adopted pursuant to this chapter 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 Georgia 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 runoff 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 fills 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 and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain on-site sediments or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b)(2) of this section;
- (15) Except as provided in subsection (c)(16) of this section, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested 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, or 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; provided, however, 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; and
 - 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 of 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;
- (16) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as trout streams pursuant to article 2 of chapter 5 of title 12, the Georgia Water Quality Control Act, except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to 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; and

- 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 of 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.

(d) *Chapter does not preclude adoption of requirements that exceed minimums.* Nothing contained in this chapter shall prevent any local issuing authority from adopting rules and regulations, ordinances or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections (b) and (c) of this section.

(e) *Injury to permitted property does not presume violation.* 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 article or the terms of the permit.

(Ord. of 2-13-2006, § IV)

Sec. 14-111. Application and permitting process.

(a) *Generally.* The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the local issuing authority that affect the tract to be developed and the area surrounding it. They shall review:

- (1) Chapter 40, zoning;
- (2) The stormwater management ordinance;
- (3) Chapter 32, subdivisions;
- (4) Chapter 18, flood damage prevention;
- (5) This article; and
- (6) Other ordinances which regulate the development of land within the jurisdictional boundaries of the local issuing authority.

However, the operator is the only party who may obtain a permit.

(b) *Application requirements.*

- (1) No person shall conduct any land-disturbing activity within the city jurisdictional boundaries without first obtaining a permit from the county to perform such activity.
- (2) The application for a permit shall be submitted to the county and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Soil erosion and sedimentation control plans shall conform to the provisions of section 14-110(b) and (c). Applications for a permit will not be accepted unless accompanied by three copies of the applicant's soil erosion and sedimentation 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 or that such a visit was not required in accordance with rules and regulations established by the board.
- (3) A fee, in the amount of \$80.00, shall be charged for each acre or fraction thereof in the project area.
- (4) 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 to 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.
- (5) 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 and sedimentation control plan. A district shall approve or disapprove a plan within 35 days of receipt. Failure of a 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 issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by section 14-110(c)(15) and (16) and bonding, if required as per subsection (b)(5)b of this section, have been obtained. Such review will not be required if the issuing authority and the district have entered into an agreement which allows the issuing authority to conduct such review and approval of the plan without referring the application and plan to the district.
 - a. If a permit applicant has had two or more violations of previous permits, this section or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the local issuing authority may deny the permit application.

- b. 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 article 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 14-110(b) and (c). Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the state soil and water conservation commission as a guide; 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 article. 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.
- (2) Data required for site plan.
 - a. Narrative or notes, and other information. Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
 - b. Description of existing land use at project site and description of proposed project.
 - c. Name, address and phone number of the property owner.
 - d. Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
 - e. Size of project, or phase under construction, in acres.
 - f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that: "The installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
 - g. Stormwater and sedimentation management systems-storage capacity, hydrologic study and calculations, including off-site drainage areas.

- h. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for yearround seeding.
 - i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
 - j. Maintenance statement. "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."
- (3) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all 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 as developed by the commission pursuant to O.C.G.A. § 12-7-20. The certified plans shall contain:
- a. Graphic scale and north point or arrow indicating magnetic north.
 - b. Vicinity maps showing location of project and existing streets.
 - c. Boundary line survey.
 - d. Delineation of disturbed areas within project boundary.
 - e. Existing and planned contours, with an interval in accordance with the following:

<i>Map Scale</i>	<i>Ground Slope (in percent)</i>	<i>Contour Interval (in feet)</i>
One-inch equals 100 feet or larger scale	Flat 0—2	0.5 or 1
	Rolling 2—8	1 or 2
	Steep 8+	2, 5 or 10

- f. Adjacent areas and feature areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.
- g. Proposed structures or additions to existing structures and paved areas.
- h. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
- i. Delineate the specified horizontal buffer along designated trout streams, where applicable.
- j. Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, chapter 6.

(4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(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.

(2) No permit shall be issued by the local issuing authority unless the erosion and sedimentation control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this article, any variances required by section 14-110(c)(15) and (16) are obtained, bonding requirements, if necessary, pursuant to subsection (b)(5)b 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) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(4) 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 article. 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.

(Ord. of 2-13-2006, § V)

Sec. 14-112. Inspection and enforcement.

(a) The building official or his designee 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 and secondary 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. 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 provisions of this article, 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 article.

(b) The building official or his designee shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, 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.

(c) 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.

(d) The districts or the commission or both shall 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). The district, 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 and sedimentation control program. The districts or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

(e) The board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority. 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 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 of 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 30 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 30 days after notification by the division, the division may revoke the certification of the county or municipality as a local issuing authority.

(Ord. of 2-13-2006, § VI)

Sec. 14-113. Education and certification.

After December 31, 2006, all 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.

(Ord. of 2-13-2006, § VIII)

Sec. 14-114. Administrative appeal and judicial review.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the issuing authority upon finding that the holder is:

- (1) Not in compliance with the approved erosion and sediment control plan;
- (2) In violation of permit conditions; or
- (3) 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 35 days after receipt by the issuing authority of written notice of appeal.

(b) *Judicial review.* Any person, aggrieved by a decision or order of the issuing authority, after exhausting his administrative remedies, shall have the right to appeal to the superior court of the county.

(Ord. of 2-13-2006, § IX)

Chapter 15

RESERVED

Chapter 16

FIRE PREVENTION AND PROTECTION

- Sec. 16-1. Fire chief appointed; authority and power.
- Sec. 16-2. Firefighter selection.
- Sec. 16-3. Unlawful obstruction.
- Sec. 16-4. Open burning.

Sec. 16-1. Fire chief appointed; authority and power.

(a) The chief of the department shall be appointed by the mayor and council.

(b) The chief shall have full authority and power to control and manage the department; and each and every member thereof in case of fire or other cause of the department as may seem best to him; it shall be his duty to personally direct the movements of the department during fires or whenever the department is called out. He shall see that the department keeps all hose and reels entrusted to them in proper condition. It shall be his duty to do all things imposed on him by state law, local ordinance or directive of the mayor and council.

Sec. 16-2. Firefighter selection.

The members of the fire department shall be appointed by the fire chief. The members shall receive only such compensation as the mayor and council grants.

Sec. 16-3. Unlawful obstruction.

It is unlawful to willfully interfere with, obstruct or hinder any member of the fire department when on duty or called out for drills.

Sec. 16-4. Open burning.

(a) *Prohibition; exceptions.* It is unlawful for any person in any area of the city to cause, suffer, allow or permit open burning:

- (1) Vegetative matter such as leaves, grasses, tree limbs or stumps, including the slash burning of forest residue for land clearing purposes;
- (2) Refuse, trash or rubbish of any kind;
- (3) Any materials which include soils or are in contact with soils during the burning of any other open burning material;
- (4) In any noncontainment devices such as air curtain destructors, common backyard fireplaces, open metal drums, burn barrels or burn pits; or
- (5) Substances that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous, except as follows:
 - a. For recreational purposes or for cooking food for immediate human consumption.
 - b. Operation of devices using open flames such as kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
 - c. Training fire department personnel under the supervision of the fire chief or his designee.
 - d. Silviculture practices specifically related to prescribed burning under authority of the state forestry commission, as exempted from local ordinance, resolution and regulation by the code of the state. For purposes of this subsection, the term

"prescribed burning of any forest land" means a permitted fire set by the owner or the owner's designated agent under controlled conditions to burn forest understory and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient recycling, control insect pests, enhance wildlife habitat, and otherwise contribute ecological benefits. The term "not exempted" means the burning of leaf or brush piles not necessary to accomplish the purposes of prescribed burning.

- e. Procedures recognized as necessary and essential for the production or harvesting of crops.
- f. Bonfires, provided that a bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit or substantially similar container. Conditions which would cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition of the bonfire.
- g. Open burning for the purpose of land clearing or construction right-of-way maintenance, provided the following conditions are met:
 - 1. The direction of prevailing winds at the time of the burning are away from the major portion of the area's population;
 - 2. The location of the burning is at least 1,000 feet away from any occupied structure, or lesser distance if approved by the department of natural resources, or environmental protection division;
 - 3. The amount of dirt on or in the material being burned is minimized so that smoke is not spread over or onto the adjoining property or property that is within 1,000 feet of such burn;
 - 4. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any material other than plant growth are not being burned; and
 - 5. No more than one pile of material, not greater in size than 60 feet long by 60 feet in width, and piled no higher than 15 feet at its highest point or equivalent, is being burned within a nine-acre area at one time.
- h. Open burning of vegetative material for the purpose of land clearing using an air curtain destructor, provided the following conditions are met:
 - 1. The location of the air curtain destructor is at least 300 feet from any occupied structure or public road or private road. Air curtain destructor used solely for utility line clearing or road clearing may be located at a lesser distance upon approval of the environmental protection division of the department of natural resources;
 - 2. No more than one air curtain destructor is operated within a ten-acre area at one time or there must be at least 1,000 feet between any two air curtain destructors;
 - 3. Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil are burned in the air curtain destructor;

4. Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated materials are not used to start or maintain the operation of the air curtain destructor;
5. The air curtain destructor is constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke;
6. The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust; and
7. The air curtain destructor cannot be fired before 10:00 a.m. and the fire must be completely extinguished, using water or by covering with dirt, at least one hour before sunset.

(b) *Permit required.* Except as otherwise provided by law, a permit must be obtained from the city fire department prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests or a bonfire. An application for such permit shall only be made by the owner of the land upon which the fire is to be kindled or the duly authorized representative of such owner.

(c) *Revocation of permit.* The city fire chief or his designee may revoke a permit issued pursuant to subsection (b) of this section, when the fire chief or his designee finds by inspection or otherwise that:

- (1) The permit is used for a location or establishment other than that for which the permit was issued;
- (2) The permit is used for a condition or activity other than that authorized in the permit;
- (3) The conditions and limitations set forth in the permit have been violated;
- (4) There have been any false statements or misrepresentations as to a material fact in the application or permit or plans submitted therewith or a condition of the permit;
- (5) If neighbors complain about the smoke.

(d) *Attendance.* Open burning, bonfires or recreational fires shall be constantly attended by the permittee or other person designated in the permit until the fire is completely extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be kept at the fire location and available for immediate utilization to extinguish the fire.

(e) *Burning for crop production and harvesting.* Any person conducting burning for crop production and harvesting under the exemption of subsection (a)(5) of this section, must notify the city fire department prior to said burning, stating the time, place and specific purpose of the proposed burning, which must be carried out consistent with state regulations.

Chapter 17

RESERVED

Chapter 18

FLOOD DAMAGE PREVENTION

Article I. In General

- Sec. 18-1. Purpose and intent.
- Sec. 18-2. Applicability.
- Sec. 18-3. Basis for area of special flood hazard.
- Sec. 18-4. Establishment of development permit.
- Sec. 18-5. Compliance.
- Sec. 18-6. Abrogation and greater restrictions.
- Sec. 18-7. Interpretation.
- Sec. 18-8. Warning and disclaimer of liability.
- Sec. 18-9. Penalties for violation.
- Secs. 18-10—18-36. Reserved.

Article II. Administration

- Sec. 18-37. Designation of chapter administrator.
- Sec. 18-38. Permit procedures.
- Sec. 18-39. Duties and responsibilities of the administrator.
- Secs. 18-40—18-66. Reserved.

Article III. Provisions for Flood Hazard Reduction

- Sec. 18-67. General standards.
- Sec. 18-68. Specific standards.
- Sec. 18-69. Building standards for streams without established base flood elevations and/or floodway (A zones).
- Sec. 18-70. Standards for areas of special flood hazard (zones AE) with established base flood elevations without designated floodways.
- Sec. 18-71. Standards for areas of shallow flooding (AO zones).
- Sec. 18-72. Standards for subdivisions.
- Sec. 18-73. Standards for critical facilities.
- Sec. 18-74. Variance procedures.

ARTICLE I. IN GENERAL**Sec. 18-1. Purpose and intent.**

The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, 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 flooding 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;
- (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 7-12-2010, art. 1, § C)

Sec. 18-2. Applicability.

This chapter shall be applicable to all areas of special flood hazard within the city.

(Ord. of 7-12-2010, art. 2, § A)

Sec. 18-3. Basis for area of special flood hazard.

(a) The areas of special flood hazard identified by FEMA in its flood insurance study (FIS), dated July 22, 2010, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.

(b) For those land areas acquired by the city through annexation, the current effective FIS, dated July 22, 2010, with accompanying maps and other supporting data and any revisions 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 FIS, accompanying maps and other supporting data is located at city hall.

(Ord. of 7-12-2010, art. 2, § B)

Sec. 18-4. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(Ord. of 7-12-2010, art. 2, § C)

Sec. 18-5. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. of 7-12-2010, art. 2, § D)

Sec. 18-6. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. of 7-12-2010, art. 2, § E)

Sec. 18-7. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (Ord. of 7-12-2010, art. 2, § F)

Sec. 18-8. Warning and disclaimer of liability.

The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. of 7-12-2010, art. 2, § G)

Sec. 18-9. Penalties for violation.

Failure to comply with the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than five days, or both, 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 city from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. of 7-12-2010, art. 2, § H)

Secs. 18-10—18-36. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 18-37. Designation of chapter administrator.

The building inspector is hereby appointed to administer and implement the provisions of this chapter.

(Ord. of 7-12-2010, art. 3, § A)

Sec. 18-38. Permit procedures.

Application for a development permit shall be made to the building inspector 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 relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - b. Elevation in relation 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 18-68(2); and
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.
- (2) *Construction stage.* 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. Any work undertaken prior to submission of these certifications shall be at the permit holder's

risk. The building inspector shall review the certification data set forth in subsection (1)c of this section 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 cause to issue a stop work order for the project.

(Ord. of 7-12-2010, art. 3, § B)

Sec. 18-39. Duties and responsibilities of the administrator.

Duties of the building inspector shall include, but not be limited to:

- (1) Review proposed development to ensure that the permit requirements of this chapter 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 18-3, obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of article III of this chapter.
- (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 18-38(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 18-38(2).
- (7) When floodproofing is utilized for a structure, obtain certification of design criteria from a registered professional engineer or architect in accordance with sections 18-38(1)(c) and 18-68(2) or section 18-70(1).
- (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 the 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) Make the necessary changes 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). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.
 - (12) Maintain all records pertaining to the provisions of this chapter, in his office, and which shall be open for public inspection.
- (Ord. of 7-12-2010, art. 3, § C)

Secs. 18-40—18-66. Reserved.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 18-67. 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:
 - a. Anchored to prevent flotation, collapse or lateral movement of the structure;
 - b. Constructed with materials and utility equipment resistant to flood damage;
 - c. Constructed by methods and practices that minimize flood damage.
- (2) 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 direction;
 - b. So as not to violate the lowest floor criteria of this chapter, 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.

- (3) 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.
 - (4) 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.
 - (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (6) 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.
 - (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (8) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this chapter, shall be undertaken only if the nonconformity is not furthered, extended or replaced.
- (Ord. of 7-12-2010, art. 4, § A)

Sec. 18-68. 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 one 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 18-67(2), elevated buildings. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one 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 one 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 set forth in this subsection, and shall provide such certification to the official, as set forth in this subsection and in section 18-39(7).

(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 one 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 one 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. (Refer to section 18-67(4).)
- d. All recreational vehicles placed on sites must either be:
 1. On the site for fewer than 180 consecutive days; or
 2. 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).

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 18-3 are areas designated as floodways. 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; provided, however, 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 article.

(Ord. of 7-12-2010, art. 4, § B)

Sec. 18-69. Building standards for streams without established base flood elevations and/or floodway (A zones).

(a) Located within the areas of special flood hazard established in section 18-3, 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 18-3, then the building inspector 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 article. Only if data are not available from these sources, then subsections (a)(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 one 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 18-67(2), elevated buildings.

(b) 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 building inspector shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(Ord. of 7-12-2010, art. 4(§ C))

Sec. 18-70. 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 18-3, 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 one 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 18-68.

(Ord. of 7-12-2010, art. 4, § D)

Sec. 18-71. Standards for areas of shallow flooding (AO zones).

Areas of special flood hazard established in section 18-3 may include, designated as AO zone, shallow flooding areas. These areas have base flood depths of one to three feet above ground, 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 18-67(2), elevated buildings. The building inspector 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 one 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 in this section, and shall provide such certification to the official as set forth in subsection (1) of this section and as required in section 18-38(1)c and (2).

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

(Ord. of 7-12-2010, art. 4, § E)

Sec. 18-72. Standards for subdivisions.

The following are standards for subdivisions:

- (1) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
- (2) 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;
- (3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) 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 7-12-2010, art. 4, § F)

Sec. 18-73. 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 7-12-2010, art. 4, § G)

Sec. 18-74. Variance procedures.

(a) The planning and zoning board as established by the city shall hear and decide requests for appeals or variance from the requirements of this chapter.

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

(c) Any person aggrieved by the decision of the planning and zoning board may appeal such decision to the superior court of the county, 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 section 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 planning and zoning board shall consider all technical evaluations, relevant factors and all standards specified in this and other sections of this chapter.

(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:
 1. Increased flood heights;
 2. Additional threats to public safety;
 3. Extraordinary public expense;
 4. Create nuisance;
 5. Cause fraud on or victimization of the public; or
 6. Conflict with existing local laws or ordinances.

(2) The provisions of this chapter are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued:

- a. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and

- b. In the instance of an historic structure, upon 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 building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
 - (i) Upon consideration of the factors listed in this section and the purposes of this chapter, the planning and zoning board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (Ord. of 7-12-2010, art. 5)

Chapter 19

RESERVED

Chapter 20

HISTORIC PRESERVATION

Article I. In General

- Sec. 20-1. Definitions.
- Sec. 20-2. Penalties.
- Sec. 20-3. Historic preservation commission.
- Sec. 20-4. Recommendations and designation of historic districts and properties.
- Sec. 20-5. Application to commission for certificate of appropriateness.
- Sec. 20-6. Maintenance of historic properties and building and zoning code provisions.
- Secs. 20-7—20-30. Reserved.

Article II. Historic District

- Sec. 20-31. Designation of district and boundary description.
- Sec. 20-32. List of property in the district and ownership thereof.
- Sec. 20-33. District boundaries on the official zoning map.
- Sec. 20-34. Certificate of appropriateness.

ARTICLE I. IN GENERAL**Sec. 20-1. 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:

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. The term "building" may refer to a historically related complex such as a courthouse and jail or house and barn.

Certificate of appropriateness means a document evidencing approval by the historical preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features means all those aspects of the landscape or the development of a site which affect the historic character of the property.

Historic district means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association by history. An historic district shall further mean an area designated by the city council as an historic district pursuant to the criteria established in section 20-4(b).

Historic property means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the city council as a historic property pursuant to the criteria established in section 20-4(c).

Material change in appearance means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscaping feature within an historic district, such as:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way; or

- (5) The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features, except exterior paint alterations.

Object means an object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Site means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

Structure means a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale. (Ord. of 7-21-2006, § II)

Sec. 20-2. Penalties.

Violations of any provisions of this chapter shall be punished in the same manner as provided for in section 1-12, general penalty. (Ord. of 7-21-2006, § VII)

Sec. 20-3. Historic preservation commission.

(a) *Created.* There is hereby created a commission whose title shall be "Tennille Historic Preservation Commission" (hereinafter "commission").

(b) *Position within the city government.* The commission shall be a part of the planning functions of the city.

(c) *Commission members; number, appointment, terms and compensation.*

- (1) The commission shall consist of five members appointed by the mayor and ratified by the city council. All members shall be residents of the city and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.
- (2) To the extent available in the city, at least three members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.
- (3) Members shall serve three-year terms. Members may not serve more than two consecutive terms. In order to achieve staggered terms, initial appointments shall be as follows:
 - a. One member for one year;
 - b. Two members for two years; and
 - c. Two members for three years.

(4) Members shall not receive a salary, although they may be reimbursed for expenses.

(d) *Statement of commission's power.* The historic preservation commission shall be authorized to:

- (1) Prepare and maintain an inventory of all property within the city having the potential for designation as historic property;
- (2) Recommend to the city council specific districts, sites, buildings, structures or objects to be designated by ordinance as historic properties or historic districts;
- (3) Review application for certificates of appropriateness, and grant or deny same in accordance with the provisions of this chapter;
- (4) Recommend to the city council that the designation of any district, site, building, structure or object as a historic property or as an historic district be revoked or removed;
- (5) Restore or preserve any historic properties acquired by the city;
- (6) Promote the acquisition by the city of facade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A. §§ 44-10-1 through 44-10-5);
- (7) Conduct educational programs on historic properties located within the city and on general historic preservation activities;
- (8) Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the city council or the preservation commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (9) Seek out local, state, federal or private funds for historic preservation, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;
- (10) Submit to the historic preservation division of the department of natural resources a list of historic properties of historic districts designated;
- (11) Perform historic preservation activities as the official agency of the city's historic preservation program;
- (12) Employ persons, if necessary, to carry out the responsibilities of the commission;
- (13) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The preservation commission shall not obligate the city without prior consent;
- (14) Review and make comments to the historic preservation division of the department of natural resources concerning the nomination of properties within its jurisdiction of the National Register of Historic Places; and

- (15) Participate in private, state and federal historic preservation programs and with the consent of the city council, enter into agreements to do the same.

(e) *Commission's power to adopt rules and standards.* The historic preservation commission shall adopt rules and standards for the transaction of its business and for consideration of application for designation of certificates of appropriateness, such as bylaws, removal of membership provision, and design guidelines and criteria. The historic preservation commission shall have the flexibility to adopt rules and standards without amendment to this chapter. The commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

(f) *Conflict of interest.* The commission shall be subject to all conflict of interest laws as set forth in state statutes and in the city Charter.

(g) *Commission's authority to receive funding from various sources.* The commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.

(h) *Records of commission meetings.* A public record shall be kept of the commission resolution, proceedings and actions.

(Ord. of 7-21-2006, § III)

Sec. 20-4. Recommendations and designation of historic districts and properties.

(a) *Preliminary research by the commission.*

(1) *Mandate to conduct a survey of local historic resources.* The commission shall compile and collect information and conduct surveys of historic resources within the city.

(2) *Power to recommend districts and buildings to the city council for designation.* The commission shall present to the city council recommendations for historic districts and properties.

(3) *Documentation of proposed designation.* Prior to the commission's recommendation of an historic district or historic property to the city council for designation, the commission shall prepare a report for nomination consisting of:

- a. A physical description;
- b. A statement of the historical, cultural, architectural and/or aesthetic significance;
- c. A map showing district boundaries and classification (i.e., contributing, noncontributing or historic, nonhistoric, vacant, intrusive) of individual properties therein, or showing boundaries of individual historic properties; and
- d. Representative photographs.

(b) *Designation of an historic district.*

- (1) *Criteria for selection.* A historic district is a geographically definable area, which contains buildings, structures, sites, objects and landscape features, or a combination thereof, which:
 - a. Has special character of special historic/aesthetic value or interest;
 - b. Represents one or more periods, styles or types of architecture typical of one or more eras in the history of the city, county, state or region; and
 - c. Causes such area, by reason of such factors, to constitute a visibly perceptible section of the city or county.
- (2) *Boundaries.* Boundaries of an historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of the city, or in the absence of zoning, on an official map designated as a public record.
- (3) *Evaluation of properties.* Individual properties within historic districts shall be classified as:
 - a. Contributing (contributes to the district);
 - b. Noncontributing (does not contribute to the district, as provided for in subsection (b)(1) of this section);
 - c. Historic (more than 50 years old);
 - d. Nonhistoric (less than 50 years old, yet possessing architectural character);
 - e. Intrusion (structure less than 50 years old which does not contribute to the character of the district); or
 - f. Vacant.

(c) *Designation of an historic property.* The criteria for the selection of historic properties is set forth in this section. An historic property is a building, structure, site or object including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the city, the region or the state for one of the following reasons:

- (1) It is an outstanding example of a structure representative of its era;
- (2) It is one of the few remaining examples of a past architectural style;
- (3) It is a place or structure associated with an event or persons of historic or cultural significance to the city, state or the region; or
- (4) It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historic development and heritage of the city, county, state or region.

(d) *Requirements for adopting an ordinance for the designation of historic districts and historic properties.*

- (1) *Application for designation of historic districts or property.* Designations may be proposed by the city council, the commission, or the following:
 - a. *For historic districts.* A historical society, neighborhood association or group of property owners may apply to the commission for designation.
 - b. *For historic properties.* A historical society, neighborhood association or property owner may apply to the commission for designation.
- (2) *Required components of a designation.* Any ordinance designating any property or district as historic shall:
 - a. List each property in a proposed historic district or describe the proposed individual historic property;
 - b. Set forth the names of the owners of the designated properties;
 - c. Require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of the designated property; and
 - d. Require that the property or district be shown on the official zoning map of the city and be kept as a public record to provide notice of such designation.
- (3) *Require public hearings.* The commission or the city council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten nor more than 20 days prior to the date set for the public hearing. A notice sent through the United States mail to the last known owner of the property shown on the city tax digest and a notice sent to the attention of the occupant shall constitute legal notification to the owner and occupant under this chapter.
- (4) *Notification of historic preservation division.* No less than 30 days prior to making a recommendation on any ordinance designating a property or district as historic, the commission must submit the report, required in subsection (a)(3) of this section, to the historic preservation division of the department of natural resources.
- (5) *Recommendations on proposed designations.* A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the commission within 15 days following the public hearing and shall be in the form of a resolution to the city council.
- (6) *The city council actions on the commission's recommendation.* Following receipt of the commission recommendation, the city council may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.

- (7) *Notification of adoption of ordinance for designation.* Within 30 days following the adoption of the ordinance for designation by the city council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the city council, which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent through the United States mail to the last known owner of the property shown on the city tax digest and a notice sent through United States mail shall constitute legal notification to the owner and occupant under this chapter.
- (8) *Notification of other agencies regarding designation.* The commission shall notify all necessary agencies within the city of the ordinance for designation.
- (9) *Moratorium on applications for alteration or demolition while ordinance for designation is pending.* If an ordinance for designation is being considered, the commission shall have the power to freeze the status of the involved property.
- (Ord. of 7-21-2006, § IV)

Sec. 20-5. Application to commission for certificate of appropriateness.

(a) *Approval of material change in appearance in historic districts or involving historic properties.* After the designation by ordinance of a historic property of an historic district, no material change in the appearance of such historic property, or of a contributing or noncontributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the commission. A building permit shall not be issued without a certificate of appropriateness.

(b) *Submission of plans to commission.* An application for a certificate of appropriateness shall be accompanied by such drawings, photographs, plans and documentation as may be required by the commission.

(c) *Interior alterations.* In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangement or use having no effect on exterior architectural features.

(d) *Technical advice.* The commission shall have the power to seek technical advice from outside its members on any application.

(e) *Public hearings on applications, notices and right to be heard.* The commission shall hold a public hearing at which each proposed certificate of appropriateness is discussed. A notice of the hearing shall be published in the principal newspaper of local circulation in the city and written notice of the hearing shall be mailed by the commission to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner

and timeframe as notices are provided before a public hearing for rezoning. The commission shall give the property owner and/or applicant an opportunity to be heard at the certificate of appropriateness hearing.

(f) *Acceptable commission reaction to applications, commission action.* The commission may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary, or reject it. The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material changes in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

- (1) *Reconstruction, alteration, new construction or renovation.* The commission shall issue certificates of appropriateness for the proposed actions in this subsection if those actions conform in design, sale, building materials, setback and site features, and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- (2) *Relocation.* A decision by the commission approving or denying a certificate of appropriateness for the relocation of a building, structure, or object shall be guided by:
 - a. The historic character and aesthetic interest the building, structure or object contributes to its present setting.
 - b. Whether there are definite plans for the area to be vacated and what the effect of those plans will be on the character of the surrounding area.
 - c. Whether the building, structure or object can be moved without significant damage to its physical integrity.
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.
- (3) *Demolition.* A decision by the commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by:
 - a. The historic, scenic or architectural significance of the building, structure, site, tree or object.
 - b. The importance of the building, structure, site, tree or object to the ambiance of a district.
 - c. The difficulty or the impossibility of reproducing such a building, structure, site, tree or object because of its design, texture, material, detail or unique location.
 - d. Whether the building, structure, site, tree or object is one of the last remaining examples of its kind in the neighborhood or city.

- e. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
- f. Whether reasonable measures can be taken to save the building, structure, site, tree or object from collapse.
- g. Whether the building, structure, site, tree or object is capable of earning reasonable economic return on its value.

(g) *Undue hardship.* When, by reason of unusual circumstances, the strict application of any provision of this chapter would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the commission, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historic integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the person's own making.

(h) *Deadline for approval or rejection of application.*

- (1) The commission shall approve or reject an application for a certificate of appropriateness within 45 days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within an historic district. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission.
- (2) Failure of the commission to act within said 45 days shall constitute approval, and no other evidence of approval shall be needed.

(i) *Necessary action to be taken by commission upon rejection of application.*

- (1) In the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reason, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he so desires, may make modifications to the plans and may resubmit the application after doing so, at any time.
- (2) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such cases, no building permit shall be issued.

(j) *Requirement of conformance.*

- (1) All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the commission shall issue a cease and desist order and all work shall cease.
- (2) The commission and the city council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this chapter to prevent any illegal act or conduct with respect to such historic property or historic district.

(k) *Void if construction not commenced.* A certificate of appropriateness shall become void unless construction is commenced within six months of date of issuance. A certificate of appropriateness shall be issued for a period of 18 months and is renewable.

(l) *Recording an application.* The commission shall keep a public record of all application for certificates of appropriateness, and or all the commission's proceedings in connection with said application.

(m) *Acquisition of property.* The commission may, where such action is authorized by the city council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise, to the property or any interest therein.

(n) *Appeals.* Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the city council. Any such appeal must be filed with the city council within 15 days after the issuance of the determination pursuant to subsection (h)(1) of this section or, in the case of a failure of the commission to act, within 15 days of the expiration of the 45-day period allowed for the commission action, subsection (h)(2) of this section. Appeals for properties within the city shall be made to the city council. The city council may approve, modify, or reject the determination made by the commission, if the governing body finds that the commission abused its discretion in reaching its decision. Appeals from the decisions of the city council may be taken to the superior court of the county in the manner provided by law for appeals from conviction for the city ordinance violations.

(Ord. of 7-21-2006, § V)

Sec. 20-6. Maintenance of historic properties and building and zoning code provisions.

(a) *Ordinary maintenance or repair.* Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.

(b) *Failure to provide ordinary maintenance or repair.* Property owners of historic properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The commission shall be charged with the following responsibilities regarding deterioration by neglect:

- (1) The commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements and vermin to enter, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
- (2) In the event the commission determines a failure to provide ordinary maintenance or repair, the commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have 30 days in which to do this.
- (3) In the event that the condition is not remedied in 30 days, the owner shall be punished as provided in section 20-2 and, at the direction of the city council, the commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the commission.

(c) *Affirmation of existing building and zoning codes.* Nothing in this chapter shall be constructed as to exempt property owners from complying with existing city building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

(Ord. of 7-21-2006, § VI)

Secs. 20-7—20-30. Reserved.

ARTICLE II. HISTORIC DISTRICT

Sec. 20-31. Designation of district and boundary description.

There is hereby created and designated in and for the city the historic district with boundaries as follows:

The boundaries of the Tennille Downtown Commercial Historic District include, as a beginning point, Tennille City Park at its northwest boundary intersection with Smith Street, then run generally east along the northwest boundary of the park to the intersection with the southwest boundary of the former service station property at 131 North Main Street. The historic district boundary then turns generally north and then generally east to include the 131 North Main Street property, next intersecting with North Main Street, then turning generally north along the west side of North Main Street to Adams Street, turning generally east along the south side of Adams Street, to include the property currently occupied by Queensborough Bank. Then, the boundary turns generally south around the

Queensborough Bank property, and heads generally southeast following the rear of the properties fronting on Fourth Street. It would thus exclude the residential property between the bank and the property presently occupied by the Hungry Hunter, west and south of the railroad bridge approaches. It then includes the old rail and street right-of-way below the bridge, on the northwest side of the present tracks, going in a generally northeast direction to include the old Tennille water tower and the related city-owned land. The boundary then goes in a southeast direction, across the tracks and East South Central Avenue and follows the southeast side of East South Central Avenue headed generally southwest along the tracks back under the bridge and across Fourth Street to the southwest side of Third Street. Then, it follows the west side of Third Street to behind the property formerly occupied by McMaster's hardware, then follows the former or present southeast side of the right-of-way of the alley behind the commercial district on that side of the tracks, again headed in a generally southwest direction, parallel to the tracks. The boundary following the southeast side of the present or former alley would thus cross South Main Street behind the former chiropractor's office at 101-3 West South Central Avenue, continue to First Street, turn at a right angle in a generally northwest direction along the east side of First Street, around and including the Wrightsville and Tennille Railroad building, and continue across the tracks, including the Central of Georgia freight depot and the commercial district on the northwest side of the tracks, along West North Central Avenue, including the old bank and buildings on either side, as far west as and including the former cotton auction building, presently owned by Mr. Gunby. It then goes behind the commercial property on West North Central Avenue and Smith Street, and continues behind the post office and the buildings of the former Tennille Auction Company at 137 Smith Street, around which it would turn generally northeast to Smith Street and back to the beginning point at the Tennille City Park.

(Ord. of 7-9-2007, § 2)

Sec. 20-32. List of property in the district and ownership thereof.

The list of properties attached to the ordinance from which this article is derived are located within the historic district as created in section 20-3 and the owner thereof is set forth beside the name of each property.

(Ord. of 7-9-2007, § 3)

Sec. 20-33. District boundaries on the official zoning map.

Upon designation, the historic district shall be shown on the official zoning map of the city and kept as a public record to provide notice of such designation.

(Ord. of 7-9-2007, § 4)

Sec. 20-34. Certificate of appropriateness.

Upon the effective date of the ordinance from which this article is derived, no material change in the appearance of any structure, site, object or work of art within the designated

historic district shall be made or be permitted to be made by the owner of occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the city's historic preservation commission.

(Ord. of 7-9-2007, § 5)

Chapter 21

RESERVED

Chapter 22

LAW ENFORCEMENT

- Sec. 22-1. Composition of police department.
- Sec. 22-2. Chief of police.
- Sec. 22-3. Sale of unclaimed property.

Sec. 22-1. Composition of police department.

The police force of the city shall consist of a police chief and such officers and personnel as shall be determined by the city council.

Sec. 22-2. Chief of police.

(a) The chief of police shall be the chief administrative officer of the police force and shall be responsible for the orderly and efficient operation of the police department.

(b) The chief of police, in general, and department personnel under his direction shall:

- (1) Attend any meetings of the council at the request of the council;
- (2) Execute all lawful orders and directions of the mayor;
- (3) Abate or remove any nuisance when so directed by the mayor;
- (4) Maintain the peace, good order and tranquility of the city through enforcement of all municipal ordinances and state or federal laws. The police officers shall have all patrol and arrest powers granted by state law;
- (5) Under the general direction of the mayor, be in charge of the police department and have supervision over the personnel thereof in the exercise of their powers, duties and authority and in hiring, discharging or suspending any members within the parameters of the city Charter, ordinances, departmental rules and regulations, civil service laws and any other appropriate statute;
- (6) Enter or cause to be entered on the city's uniform traffic citation, and into the official record, all available information pertaining to individuals charged or arrested for violation of ordinances and state law;
- (7) Serve all subpoenas and warrants of the municipal court and the city council and as otherwise authorized by law;
- (8) Issue and serve summons for violations of law or ordinance and serve all processes, executions, attachments for the city clerk, municipal court or the city council;
- (9) Render such aid and assistance to the county health director as may be necessary to enforce in the city all health laws of this state and regulations pertaining to health of the city.

Sec. 22-3. Sale of unclaimed property.

(a) Bicycles and other unclaimed personal property, except firearms and weapons, not marked as evidence, in the possession of the police department for a period of 90 days and after an effort has been made by the police department to ascertain the ownership of such property and to notify the owner, shall be sold at public auction to the highest bidder, after publishing notice of such sale as required by O.C.G.A. § 44-14-411. The proceeds of any sale made under this section shall be disbursed in accordance with O.C.G.A. § 44-14-412.

(b) Unclaimed firearms and weapons in the possession of the police department for a period of 90 days, not marked as evidence and after an effort has been made to notify the owner, shall be disposed of as follows:

- (1) Destroyed by the property and evidence custodian.
- (2) Received to the police department for their use in training or operations.

Chapter 23

RESERVED

Chapter 24

OFFENSES AND MISCELLANEOUS PROVISIONS

Article I. In General

- Sec. 24-1. Idle standing or congregating on streets.
- Sec. 24-2. Loitering for the purpose of engaging in drug-related activity.
- Sec. 24-3. Loitering for purpose of procuring others to engage in sexual acts for hire.
- Sec. 24-4. Day labor prohibitions.
- Sec. 24-5. Juvenile curfew.
- Secs. 24-6—24-28. Reserved.

Article II. Offenses Concerning Property Rights

- Sec. 24-29. Vandalism.
- Sec. 24-30. Tampering with utilities.

ARTICLE I. IN GENERAL**Sec. 24-1. Idle standing or congregating on streets.**

It shall be unlawful for any person to stand upon or occupy or for persons to congregate upon the streets of the city in idleness or without some ostensible business, or in a manner that will inconvenience pedestrians or vehicles.

(Ord. of 6-13-2005)

Sec. 24-2. Loitering for the purpose of engaging in drug-related activity.

(a) It shall be unlawful for any person to loiter in or near any thoroughfare, place open to the public or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions as follows:

- (1) Such person is a known unlawful drug user, possessor, or seller. For purposes of this section, the term "known unlawful drug user, possessor or seller" means a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any controlled substance as defined in O.C.G.A. title 16, chapter 13, or such person has been convicted of any violation of any substantially similar laws of any political subdivision of this state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as needle tracks, burned or callused thumb and index fingers, underweight condition or nervous and excited behavior.
- (2) Such person is currently subject to a lawful order or mandate prohibiting his presence in a high drug activity geographic area.
- (3) Such person behaves in such a manner as to raise a reasonable suspicion that he is about to engage in or is then engaged in a unlawful drug-related activity including, by way of example only, such person acting as a lookout, hailing or stopping cars, or repeatedly stopping cars, or repeatedly beckons to, stops or attempts to stop or engage in conversation with passersby whether such passersby are on foot or in a motor vehicle.
- (4) Such person is physically identified by the officer as a member of a gang or association which has as its purpose illegal activity.
- (5) Such person transfers small objects or packages in a furtive fashion.
- (6) Such person takes flight or manifestly endeavors to conceal himself upon the appearance of a police officer.
- (7) Such person manifestly endeavors to conceal any object which reasonably could be involved in an unlawful drug-related activity.

- (8) Such person possess any instrument, article, or thing whose customary or primary purpose is for the sale, administration or use of controlled substances such as, but not limited to, crack pipes, push wires, portable or hand scales, hypodermic needles, razor blades or other cutting tools.
- (9) The area involved is by public repute known to be an area of unlawful drug use and trafficking.
- (10) Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

(b) No arrest shall be made for a violation of subsection (a) of this section unless the arresting officer first affords the person an opportunity to explain his conduct, and no one shall be convicted of violating subsection (a) of this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(c) Any person who violates any provisions of this section shall, upon conviction, be punished as provided for in section 1-12.
(Ord. of 6-13-2005)

Sec. 24-3. Loitering for purpose of procuring others to engage in sexual acts for hire.

It shall be unlawful for any person to loiter in public for the purpose of soliciting or procuring others to engage in any sexual acts for hire.
(Ord. of 6-13-2005)

Sec. 24-4. Day labor prohibitions.

It shall be unlawful for any person to:

- (1) Pick up or hire day laborers on private property without the permission of the property owner;
- (2) Assemble on private property for the purpose of soliciting work as a day laborer without the permission of the property owner and after being directed to cease such action by the property owner or other lawful authority.

(Ord. of 6-13-2005)

Sec. 24-5. Juvenile curfew.

(a) It shall be unlawful for any minor 16 years of age or younger to loiter, wander, stroll or play in and upon the public streets, highways, roads, lanes, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places in the city limits, between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day; provided,

however, that on Fridays and Saturdays the effective hours are between 12:00 midnight and 6:00 a.m. of the following day; and provided the provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by his parent, guardian or other adult person having lawful care and custody of the minor;
- (2) When the minor is upon an emergency errand by his parent or guardian or other adult person having the lawful care and custody of the minor;
- (3) When the minor is returning directly home from a school or church activity;
- (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the places referenced in subsections (a)(2) and (3) of this section during the prescribed period of time;
- (5) When the minor is attending or traveling directly to or from activity involving the exercise of first amendment rights of speech, freedom of assembly or free exercise of religion;
- (6) When the minor is in a motor vehicle with parental consent for normal travel;
- (7) When the minor is on the property of or the sidewalk directly adjacent to the building which he resides.

(b) It shall be unlawful for any parent or guardian to permit or by inefficient control allow violation of this section by a minor in his custody.

Secs. 24-6—24-28. Reserved.

ARTICLE II. OFFENSES CONCERNING PROPERTY RIGHTS

Sec. 24-29. Vandalism.

(a) *Public property.*

- (1) It is unlawful for any person to vandalize, deface or in any way alter the appearance or operation of any public property or park in the city.
- (2) No person shall spit on the floors, walls or other parts of any public building in the city.

(b) *Private property.*

- (1) It is unlawful for any person to vandalize, deface or in any way alter the appearance or operation of any private property without the consent of the owner.
- (2) This subsection shall not be construed as affecting any remedy the private property owner may have at law.

Sec. 24-30. Tampering with utilities.

It is unlawful for any person to disturb, tamper with or remove any guy wires from any electric power pole, utility pole or telephone pole located within the city.

Chapter 25

RESERVED

Chapter 26

PARKS AND RECREATION*

- Sec. 26-1. Prohibited acts in city recreation facilities.
- Sec. 26-2. Enforcement authority.

***State law reference**—Municipal recreation systems generally, O.C.G.A. § 36-64-1 et seq.

Sec. 26-1. Prohibited acts in city recreation facilities.

(a) *Alcoholic beverages.* It shall be unlawful for any person to possess and/or consume any alcoholic beverage, or be under the influence of alcoholic, malt and/or vinous beverage, within any public park and/or within any recreation building unless such usage is expressly permitted by signage or published rules of the particular park or recreation building and approved by the city council.

(b) *Injuring public property.* It shall be unlawful for any person to cut, break, mutilate, deface or engage in any indecent or loud acts of behavior, or in any other manner destroy or injure any public property, real or personal, belonging to, owned by, leased or used by the city.

(c) *Killing wildlife.* It shall be unlawful for any person to hunt, trap, shoot, maim or kill any animal or wildlife, or attempt to do any of the unlawful things set forth in this subsection to any animal or wildlife within any of the city parks without the written permission of the city council, unless threatened with bodily injury or death.

(d) *Motor vehicles.* It shall be unlawful for any person to drive, operate and/or park any motor vehicle, minibike or motorcycle within any city park, except in areas designated for such use. This section does not apply to city employees when municipal duties require them to drive over said park and/or to park their vehicles or equipment in order to perform city business.

(e) *Noises.* It shall be unlawful for any person to make any loud noises that would disturb a reasonable person of ordinary sensibilities, engage in noisy disputes or conversation that would disturb a reasonable person of ordinary sensibilities, engage in any indecent or loud acts of behavior that would disturb a reasonable person of ordinary sensibilities or in any other manner disturb the public peace, quiet and order in any of the city parks.

(f) *Park hours.* All city parks shall be closed, and no person shall be authorized to be on the premises or property of any city park, during posted hours, except authorized city employees or persons engaged in activities authorized by the city council. City parks shall be patrolled by the city police department to enforce said hours.

(g) *Pets.* Pets are permitted in city parks. Pet owners shall remove pet excrement from city parks.

(h) *Permit required.* It shall be unlawful for any person to engage in any activity in city parks which requires a permit without first obtaining such permit.

(i) *Polluting water in parks.* It shall be unlawful for any person to pollute or disturb any spring, branch, pond, fountain or other water owned by or leased to the city within a park facility.

(j) *Posting signs.* It shall be unlawful for any person to affix any bill, sign or notice on any tree, building or fixture, or handouts to another person in any of the parks. It shall be unlawful for any person to place any paper, books, refuse or trash of any kind in any of the public parks, except in containers provided for such.

(k) *Smoking.* It shall be unlawful to smoke in any city park or recreation building.

(l) *Skateboards*. It shall be unlawful for any person to operate a skateboard on any street, lane, way, road and/or any parking lot in any park in the city unless otherwise designated by signage or published rules.

(m) *Speed limit*. It shall be unlawful for any person to operate a motorized vehicle upon any road within a park in the city at a greater speed than the posted limit.

(n) *Swimming in lakes*. It shall be unlawful for any person to swim in or enter any lake at any park in the city for the purpose of swimming or wading unless a permit for such has been issued by the city council or an authorized representative, or such person is conducting city business.

(o) *Urban camping*. It shall be unlawful to reside or to store personal property in any park owned by the city. Furthermore, it shall be unlawful to use any public place, including city parks, for living accommodation purposes or camping, except in areas specifically designated for such use or specifically authorized by permit.

(p) *Golfing regulated*. It shall be unlawful for any person to practice, play or otherwise participate in the game of golf, except at a recreation facility designated for such use and only in accordance with the rules, regulations and restrictions promulgated by the city council.

(q) *Pyrotechnics restricted*. It shall be unlawful for any person to possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics.

(r) *Recreation facility restrictions*. It shall be unlawful for anyone to enter any locked or closed (by field closed signage) sport field for recreational use unless approved by permit.

(s) *Animals restricted*. It shall be the duty of every animal owner or custodian whose animal is in a recreational facility to have physical control of the animal by leash or lead line at all times unless in designated dog park areas where off-leash is permitted or approved otherwise. It shall be unlawful for any person with an animal, other than a service animal being used by a person with a disability, to access areas of a recreation facility which are restricted to animals. It shall be the duty of every animal owner or custodian of any animal whose animal is in a recreation facility to immediately and properly dispose of waste deposited by the animal. It shall be the duty of every animal owner or custodian of any animal whose animal is in a recreation facility to have in their possession proof of a current rabies vaccination for his animal.

Sec. 26-2. Enforcement authority.

The city police and code enforcement officials have jurisdiction to enforce city and state laws in city recreational facilities and parks.

Chapter 27

RESERVED

Chapter 28

SOLID WASTE*

Article I. In General

- Sec. 28-1. City responsibility to provide for collection of solid waste.
- Sec. 28-2. Responsibility of citizens.
- Sec. 28-3. Authority and administration.
- Secs. 28-4—28-24. Reserved.

Article II. Litter Control

- Sec. 28-25. Definitions.
- Sec. 28-26. Prohibition against littering public or private property or waters.
- Sec. 28-27. Vehicle loads causing litter.
- Sec. 28-28. Violations, enforcement and penalties.

***State law references**—Municipal authority to provide for garbage and solid waste collection and disposal, Ga. Const. 1983, art. IX, § II, ¶ III(a)(2); Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; Litter Control Law, O.C.G.A. § 16-7-40 et seq.; transporting garbage or waste across state or county boundaries without permission, O.C.G.A. § 36-1-16; littering highways, O.C.G.A. § 40-6-249.

ARTICLE I. IN GENERAL**Sec. 28-1. City responsibility to provide for collection of solid waste.**

The city has the responsibility to provide for and make available the collection of solid waste by either a nonexclusive contract, exclusive contract for services, or through services provided by city forces pursuant to the Comprehensive Solid Waste Management Act of 1990.

Sec. 28-2. Responsibility of citizens.

It shall be the responsibility of each citizen both residential and commercial to be served by a waste hauler from the city's approved, registered and contracted solid waste list or from city operated services. Failure to be served by either an approved, registered and contracted city hauler or from services offered by the city's own manpower shall result in a violation of this chapter. (Exception: Upon receipt of written request for exemption, the city council may waive the requirements of this section for qualified applicants.

Sec. 28-3. Authority and administration.

(a) Authority is hereby granted to the city coordinator or his designee to carry out the requirements of this chapter.

(b) The public works director or designee is hereby authorized to administer the day-to-day operation of the solid waste program, as well as enforce this chapter and the rules and regulations of the city's solid waste management plan.

(c) The public works director or his designee is hereby authorized and directed to create the rules and procedures for the purpose of implementing this chapter in order to carry out the practice of recycling, bulky trash, yard trimmings and waste collection and disposal within the city limits.

Secs. 28-4—28-24. Reserved.**ARTICLE II. LITTER CONTROL****Sec. 28-25. 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:

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A. § 16-7-51.

Public or private property means the following:

- (1) The right-of-way of any road or highway;
- (2) Any body of water or watercourse or the shores or beaches thereof;
- (3) Any park, playground, building, refuge or conservation or recreation area;
- (4) Timberlands or forests; and
- (5) Residential, commercial, industrial or farm properties.

Sec. 28-26. Prohibition against littering public or private property or waters.

It shall be unlawful for any persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this city or any waters in this city unless:

- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Sec. 28-27. Vehicle loads causing litter.

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

Sec. 28-28. Violations, enforcement and penalties.

(a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

(b) *Evidence.*

- (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.
- (2) Except as provided in subsection (b)(1) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any articles, including, but not limited to, letters, bills,

publications or other writings which display the name of the 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 article.

(c) *Penalties.* Any person who violates this article shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

- (1) By a fine of not less than \$200.00;
- (2) In addition to the fine set out in subsection (c)(1) of this section, the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city;
- (3) In the sound discretion of the court, the person may be directed to pick up and remove:
 - a. From any public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - b. Any and all litter from any public property, private right-of-way, or with 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 he has deposited litter.

The terms "pick up" and "remove" include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and

- (4) The court may publish the names of persons convicted of violating this article.

(d) *Enforcement.* All law enforcement agencies, officers and officials of the state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

Chapter 29

RESERVED

Chapter 30

STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES*

Article I. In General

- Sec. 30-1. Authority of public works department.
- Sec. 30-2. Road and sidewalk installations.
- Sec. 30-3. Excavations and permit requirements.
- Sec. 30-4. Prohibited obstruction of right-of-way.
- Secs. 30-5—30-26. Reserved.

Article II. Assemblies on Public Property

- Sec. 30-27. Permit required for certain assemblies on public properties.
- Sec. 30-28. Permit application process.
- Sec. 30-29. Police chief duties.
- Sec. 30-30. Application review procedure.

***State law references**—City has power to construct and maintain roads, including curbs, sidewalks, streetlights and devices to control the flow of traffic, Ga. Const. art. IX, § II, ¶ III(a)(4); obstructing sidewalks or other public passages, O.C.G.A. § 16-11-43; damaging public property, O.C.G.A. § 16-7-25; municipal street systems, O.C.G.A. § 32-4-90 et seq.; powers with respect to municipal street system, O.C.G.A. § 32-4-92; regulation of maintenance and use of public roads generally, O.C.G.A. § 32-6-1 et seq.; grant by municipal corporation of right to obstruct public street prohibited, O.C.G.A. § 36-30-10; municipal authority to regulate streets, alleys and sidewalks, O.C.G.A. § 36-34-3.

ARTICLE I. IN GENERAL**Sec. 30-1. Authority of public works department.**

The city public works department shall be authorized to repair or maintain all public streets and sidewalks within the city. Repair and maintenance includes the removal of foliage, debris or any other obstruction that blocks clear vision or obstructs pedestrian traffic.

Sec. 30-2. Road and sidewalk installations.

Approval by the public works director or his designee is a necessary condition for the design of all new sidewalks within the city and all new public roads. Approval shall be given upon a showing that the sidewalks or roads comply with applicable city standards.

Sec. 30-3. Excavations and permit requirements.

(a) *Construction must conform to state specifications.* No person shall make any excavation, opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk, right-of-way or perform any type of construction, unless a completed right-of-way encroachment permit application form and plans have been submitted and approved by the public works director or his designee. Such permit shall be at the construction site at all times. Said construction must conform to the guidelines and specifications of the current edition of state department of transportation's utility accommodation policy and standards. The public works director shall have the authority to impose such permit terms and conditions necessary to protect the public health and safety. It is expressly stipulated that this permit is a license for permissive use only and the placing of utility facilities upon public right-of-way, public road, easement or on any other city property pursuant to this permit shall not create or vest any property right in the holder.

- (1) *Adopted.* The current edition of the state department of transportation's utility accommodation policy and standards manual, including all references contained therein to codes, rules, regulations, schedules, forms and appendix items, except appendix B, permit forms and supporting documents, therein, promulgated by the state department of transportation, as may be amended from time to time, is adopted by reference and incorporated in this section as if fully set forth herein, subject to all amendments and modifications contained in this article. A copy of the manual shall be maintained at the offices of the public works director or his designee and the city clerk and open for public inspection.
- (2) *Amendments.* The current edition of the utility accommodation policy and standards manual promulgated by the state department of transportation, as may be amended from time to time, is adopted by reference and incorporated in this section. The utility accommodation policy and standards manual is amended in order to equate the state definitions and provisions with their appropriate and equivalent city counterparts, such that a policy shall be implemented to reflect the intent and effect of the state rights-of-way policy as it would logically apply to the incorporated city rights-of-way.

(b) *Permit procedure; plot plan required.* No person shall construct, establish, open, grade or in any manner, form or use a driveway or other opening from private property into any street, highway or thoroughfare in the city other than driveways to personal residences without first obtaining a permit from the public works director. Before the director of public works may issue a permit for a driveway opening into any public street, the applicant shall submit a plot plan thereof to the director. The plot plan shall show the width of the proposed driveway and the street into which it leads, with all approaches and dimensions thereof. The proposed opening or driveway shall be approved or disapproved by the director of public works, pursuant to standards in chapter 40, zoning.

(c) *Permanent features in right-of-way not permitted.* It shall be unlawful for any person to construct any permanent feature such as an irrigation system, sign or fence in the street right-of-way.

(d) *Penalties.* Upon a determination that a person is in violation of this article, the violator shall be subject to one or more of the following penalties:

- (1) *Civil penalties.* Any person violating any provision of this article, or negligently failing or refusing to comply with the written orders of the director, shall be liable for a civil penalty not to exceed \$1,000.00 for such violation and an additional civil penalty not to exceed \$500.00 for each day during which the violation continues. Notwithstanding the foregoing, any person willfully violating any provision of this article, or willfully failing or refusing to comply with the written orders of the director, shall be liable for a civil penalty not to exceed \$5,000.00 for each day during which the violation continues.
- (2) *Criminal penalties.* A court of competent jurisdiction is authorized to find the violations of this article to be a code violation, and any person found guilty thereof shall be punished as provided in section 1-12, general penalty.

(e) *Restitution.* The cost incurred by the city to repair any damage to the public right-of-way, public road, city easement or on any other city property resulting from any violation and the cost of any injury or damages to persons, property, product and loss of service resulting from the violation.

(f) *Additional penalties.* The imposition of any of the penalties set forth in this section shall not prevent revocation or suspension of a permit by other administrative sanctions or any other relief that may be granted under law.

(g) *Continuous and repeated violations.* Violations of this article that are continuous with respect to time are a public nuisance and can be abated by injunctive or other equitable relief and by such other means as are provided by law. The imposition of a penalty does not prevent equitable relief.

Sec. 30-4. Prohibited obstruction of right-of-way.

(a) No person shall place or cause to be placed in any street and sidewalk debris, rubbish, irrigation water, boxes, displays, signs, poles, goods, merchandise or any other object so as to impede and endanger traffic on streets and sidewalks.

(b) No person or company shall construct or maintain a drive, yard, or lot constructed of gravel, pebbles or stone in such a manner that vehicles cause loose stones, pebbles or gravel to be thrown on to the adjacent street and sidewalk.

(c) Any personal property placed on the right-of-way following an eviction shall be removed within 24 hours of physical eviction, unless an extension of time is requested on behalf of the evicted tenant. For purposes of this chapter, such property is deemed abandoned property two hours following eviction, unless the landlord by contract specifies a shorter time. If the property is not removed within 24 hours, the city may commence removal and cite the property owner. The penalty assessed shall be 125 percent of the cost the city incurs in removing the property.

Secs. 30-5—30-26. Reserved.

ARTICLE II. ASSEMBLIES ON PUBLIC PROPERTY

Sec. 30-27. Permit required for certain assemblies on public properties.

(a) Every person, organization or group of private persons wishing to use public property or public roads in the city for an event is required to obtain a permit from the city for the privilege of engaging in the event within the city, unless such permit is prohibited under state law or the event is otherwise protected from this requirement by federal or state law.

(b) This article shall specifically not apply to the following:

- (1) Funeral processions;
- (2) Neighborhood parades, provided activities remain solely within the boundaries of such neighborhood;
- (3) Sporting events;
- (4) School students going to or from classes or participating in properly supervised and sponsored activities;
- (5) Governmental entities acting within the scope of their functions; and
- (6) Other activities as provided for by law or regulation.

Sec. 30-28. Permit application process.

Every person, organization, or group of private persons required to procure a permit under the provisions of this chapter shall submit an application for the permit to the police chief, which application shall conform to the requirements of this article in addition to the following:

- (1) Unless otherwise provided herein, each application shall be a written statement upon forms provided by the city and submitted to the city coordinator within a reasonable time prior to the planned event for security purposes, verifications, and arrangements. The term "reasonable time" means a time of at least 15, but no more than 60 days, prior to the planned event. The police chief shall act upon the application within ten

days of the receipt of a completed application. A person may make an emergency application to the mayor's office if an unforeseen circumstance arises requiring a response within less than ten days. The police chief shall have discretion to determine if an emergency exists and, subject to this article, grant or deny such permit.

- (2) Each application shall set forth the following information:
 - a. Name, address, and telephone number of the person, if the applicant is an individual, or the name, address and telephone number of an applicant corporation, partnership, organization or group;
 - b. Date, time and location where the proposed event is to take place, including proposed routes of travel on public streets to be used for the event;
 - c. Description of activity involved with the event;
 - d. An approximate number of persons, animals and vehicles which will be involved with the event;
 - e. Names, home addresses and telephone numbers of individuals involved with the applicant, if not an individual, who have oversight responsibility for the organization and conduct of the event on behalf of applicant;
 - f. A description of any recording equipment, sound amplification equipment, signs or other attention getting devices proposed to be used during the event;
 - g. Plans for disposal of trash and cleanup of event area, first aid provisions, vehicle and trailer storage provisions and toilet facilities available to event participants; and
 - h. Any additional information which the city administrator may find reasonably necessary to the fair administration of this chapter which may include a complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant for violations of any and all laws and ordinances of the city, county, state or federal government, other than minor traffic violations.
- (3) The application shall be signed and sworn to by the applicant if an individual; or by a partner, if a partnership; or by an officer, if a corporation.
- (4) All information furnished or secured under the authority of this article shall be kept and maintained by the city and shall be utilized only by the city officials responsible for administering these provisions.
- (5) Any false statement in an application for a permit may be grounds for revocation or denial of the permit application.

Sec. 30-29. Police chief duties.

The police chief shall have the following duties:

- (1) To prepare and provide the necessary forms for the application of a permit and for the submission of any required information needed to review an application, administer and enforce this article.

- (2) To review an application submitted for completeness and to collect a permit licensing fee in the amount to be determined by resolution of the city council which shall be equal to the administrative costs of processing the application plus the costs for the use of city services or property, unless the activity is conducted for the sole purpose of public issue speech protected under the First Amendment for which no costs shall be assessed for city services and property.
- (3) To designate or coordinate sites and set time schedules; to coordinate with county authorities; and, where appropriate, to receive the approval of the state department of transportation, county sheriff, or other necessary public officials.
- (4) To issue a permit within ten days of receipt of an acceptable and complete application.
- (5) To deny a permit within ten days of receipt of an application if the application is not complete or if any of the circumstances described in this article are found to be existing.

Sec. 30-30. Application review procedure.

(a) Upon receipt of a complete application for permit, the police chief shall have it reviewed by the city departments, the services of which may be impacted by the event.

(b) Upon receiving reports from the city departments, the police chief shall consider the impact of the event as whether it will unreasonably disrupt and obstruct the necessary flow of pedestrian or vehicular traffic or endanger the public's health, safety or welfare.

(c) As part of the police chief's review, conditions may be made for alternate routes and locations of the event to ameliorate issues of traffic flow and public safety, which conditions shall attach to the permit, if issued.

(d) The police chief shall also review an applicant's plans for:

- (1) Trash clean up and disposal provision;
- (2) First aid provision;
- (3) Vehicle and trailer storage provision; and
- (4) Toilet facilities available to participants.

If the police chief determines an applicant's plans presented for these services to be inadequate, the application may be denied.

(e) Upon completion of the review of the application, the police chief shall issue a permit for the event, including its proposed routes of travel, if the police chief finds the event can occur without unreasonably impacting upon the use of the public streets, public property, and resources of the city and without endangering the public's health, safety and welfare.

(f) Any person whose application under this article is denied by the police chief may appeal such denial within three business days after the denial to the city council, which shall consider such appeal at the next regularly scheduled meeting following the filing of the appeal.

(g) The city council in considering the appeal shall determine if good cause exists for denial of the permit and after hearing and receiving all evidence, shall either uphold the decision of the police chief or reverse the decision and grant a permit. In reversing, the city council may attach any requirements deemed necessary to the permit, as conditions to its issuance for protection of the public health and safety.

Chapter 31

RESERVED

Chapter 32

SUBDIVISIONS

(RESERVED)

Chapter 33

RESERVED

Chapter 34

TAXATION

(RESERVED)

Chapter 35

RESERVED

Chapter 36

TRAFFIC*

- Sec. 36-1. Uniform rules of the road adopted; penalty for violation of section.
Sec. 36-2. Speed limits.

***State law references**—Cities are authorized to exercise power over parking facilities and traffic control devices, Ga. Const. art. IX, § II, ¶ III(a)(4) and (11); power of local authorities with respect to uniform rules of the road, O.C.G.A. § 40-6-370 et seq.; jurisdiction of municipal courts over misdemeanor traffic offenses, O.C.G.A. § 40-13-21(a); alteration of speed limits by local authorities, O.C.G.A. § 40-6-183.

Sec. 36-1. Uniform rules of the road adopted; penalty for violation of section.

(a) Pursuant to O.C.G.A. §§ 40-6-372—40-6-376, O.C.G.A. §§ 40-6-2—40-6-395, 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 the city with like effect as if recited in this section.

(b) Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this section shall be punished as provided in the city Charter.

Sec. 36-2. Speed limits.

The minimum and maximum speed limits on city streets shall be established by the city council, from time to time, and as designated by a traffic control device or a traffic sign posted on or at the entrance of that roadway giving notice of the speed limit.

Chapter 37

RESERVED

Chapter 38

UTILITIES

Article I. In General

- Sec. 38-1. Public works director.
- Sec. 38-2. Condition for new electrical service request.
- Sec. 38-3. Interference with municipal utility properties.
- Sec. 38-4. Rates, charges and fees.
- Secs. 38-5—38-26. Reserved.

Article II. Wastewater and Sewerage

- Sec. 38-27. Wastewater superintendent.
- Sec. 38-28. Required use of public sewers.
- Sec. 38-29. Private sewage disposal.
- Sec. 38-30. Discharge of unpolluted waters to sewers.
- Sec. 38-31. Prohibited disturbance and use of public sewer facilities.
- Sec. 38-32. Responsibility for costs; indemnification.
- Secs. 38-33—38-44. Reserved.

Article III. Prohibited Discharges

- Sec. 38-45. Generally.
- Sec. 38-46. Waters and wastes specifically prohibited.
- Sec. 38-47. Substances, etc., superintendent may prohibit.
- Sec. 38-48. Pretreatment.
- Sec. 38-49. Actions superintendent may take with regard to certain wastes.
- Sec. 38-50. Interceptors.
- Sec. 38-51. Pretreatment facilities.
- Sec. 38-52. Control manhole.
- Sec. 38-53. Measurements, tests, etc.
- Sec. 38-54. Special agreements.
- Secs. 38-55—38-62. Reserved.

Article IV. Water

- Sec. 38-63. Water superintendent.
- Sec. 38-64. Application for water service.
- Sec. 38-65. Applications for new tap and service connection.
- Secs. 38-66—38-83. Reserved.

Article V. Illicit Discharge and Illegal Connection

Division 1. Generally

- Sec. 38-84. Definitions.
- Sec. 38-85. Purpose and intent.
- Sec. 38-86. Applicability.

TENNILLE CODE OF ORDINANCES

- Sec. 38-87. Compatibility with other regulations.
- Sec. 38-88. Responsibility for administration.
- Secs. 38-89—38-119. Reserved.

Division 2. Prohibitions

- Sec. 38-120. Illicit discharges.
- Sec. 38-121. Illegal connections.
- Sec. 38-122. Industrial or construction activity discharges.
- Sec. 38-123. Access and inspection of properties and facilities.
- Sec. 38-124. Notification of accidental discharges and spills.
- Secs. 38-125—38-146. Reserved.

Division 3. Violations, Enforcement and Penalties

- Sec. 38-147. Violations.
- Sec. 38-148. Notice of violation.
- Sec. 38-149. Appeal of notice of violation.
- Sec. 38-150. Enforcement measures after appeal.
- Sec. 38-151. Costs of abatement of the violation.
- Sec. 38-152. Civil penalties.
- Sec. 38-153. Criminal penalties.
- Sec. 38-154. Violations deemed a public nuisance.
- Sec. 38-155. Remedies not exclusive.

ARTICLE I. IN GENERAL**Sec. 38-1. Public works director.**

The public works director shall have such duties as assigned by the city council, and all necessary powers to carry out those duties.

Sec. 38-2. Condition for new electrical service request.

Any request for new electrical service or an upgrade of electrical service will require a disconnect under the meter base.

(Ord. of 10-11-2004)

Sec. 38-3. Interference with municipal utility properties.

(a) *Unlawful.* Any person who intentionally and without authority injures or destroys any meters, pipes, conduits, wire, posts, lamps or other apparatus belonging to a company engaged in the manufacture or sale of public services, light, power, water or communications, or such apparatus belonging to the city, or intentionally and without authority prevents a meter from duly registering the quantity of services supplied, or in any way interferes with the proper action or just registration, or without the consent of such company or city intentionally diverts any services of such company or city, or otherwise intentionally and without authority uses or causes to be used without the consent of such company or city any services manufactured or distributed by such company or city shall be punished as for a misdemeanor.

(b) *Responsibility.* Where there is no evidence to the contrary, the person receiving the benefit of services without proper charge as a result of tampering with a meter, or such diversion of services, shall be presumed to be responsible for such acts of tampering or diversion.

(c) *Penalty.* Any person violating any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in the penalty provision of section 1-12.

Sec. 38-4. Rates, charges and fees.

Rates, charges, fees and associated criteria and conditions related thereto, concerning the provision of water, sewer and wastewater services, shall be as established from time to time by the city council. Those in effect at the time this Code was adopted shall remain in effect until as later revised or repealed.

Secs. 38-5—38-26. Reserved.

ARTICLE II. WASTEWATER AND SEWERAGE**Sec. 38-27. Wastewater superintendent.**

The wastewater superintendent shall have such duties as assigned by the city council, and all necessary powers to carry out those duties.

Sec. 38-28. Required use of public sewers.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this chapter.

(c) Except as otherwise provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with these provisions, within 60 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

(e) Any industry or establishment introducing industrial wastes to the sanitary sewer system shall agree to comply with the United States Environmental Protection Agency's pretreatment regulations (40 CFR 128).

Sec. 38-29. Private sewage disposal.

(a) Where a public sanitary sewer is not available, or where industrial or commercial wastes are excluded, the building sewer shall be connected to a private sewage disposal system complying with this article.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the code enforcement officer. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee shall be paid to the city at the time the application is filed.

(c) A permit for a private sewage disposal system shall not become effective until the installation is complete to the satisfaction of the wastewater superintendent. He shall be allowed to inspect the work at any stage of construction. In any event, the applicant for the

permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspections shall be made within 24 hours of the receipt of notice by the sewer commission.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements of the state department of natural resources, environmental protection division (EPD), and obtain the approval of the state EPD prior to a permit being issued. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) Each developer or subdivider shall be required to install or have installed, at his expense and throughout the entire development or subdivision, sanitary sewer lines, manholes and building sewers. All such facilities shall comply with these provisions and with the exception of the building sewer, shall become the property of the sewer commission when the facilities are connected to the public sewer.

(f) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this provision, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(g) The owner shall operate and maintain the private sewerage disposal facilities at all times, at no expense to the city.

(h) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by local, state or federal agencies having authority to impose such requirements.

(i) When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewerage disposal system shall be cleaned of sludge and filled with clean bank-run dirt or gravel.

Sec. 38-30. Discharge of unpolluted waters to sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

Sec. 38-31. Prohibited disturbance and use of public sewer facilities.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

Sec. 38-32. Responsibility for costs; indemnification.

All costs and expenses incidental to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Secs. 38-33—38-44. Reserved.**ARTICLE III. PROHIBITED DISCHARGES****Sec. 38-45. Generally.**

(a) It shall be unlawful for any person, establishment or corporation to discharge to the sewer system any pollutant except in compliance with federal standards promulgated pursuant to the Clean Water Act, and any more stringent state and local standards.

(b) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewers.

(c) Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent.

(Ord. of 1-14-2013)

Sec. 38-46. Waters and wastes specifically prohibited.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Pollutants which create a fire or explosive hazard in the public sewer, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.
- (2) Wastewater having a pH less than 6.0 (or more than 9.0), or otherwise causing corrosive structural damage to the POTW or equipment.
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the public sewer resulting in interference.
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the public sewers.
- (5) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).

- (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the public sewer in a quantity that may cause acute worker health and safety problems.
 - (8) Trucked or hauled pollutants, except at discharge points designated by the superintendent in accordance with the limits set forth in this article.
- (Ord. of 1-14-2013)

Sec. 38-47. Substances, etc., superintendent may prohibit.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 120 degrees Fahrenheit (49 degrees Celsius).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the superintendent.
- (4) Any waters or wastes containing strong acid pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state and federal regulations.
- (7) Any waters or wastes have a pH in excess of 9.0 or below 6.0.

- (8) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids, (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand or chloride requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge to the receiving waters.

- (10) Any waste prohibited by Environmental Protection Agency standards 40 CFR 403. (Ord. of 1-14-2013)

Sec. 38-48. Pretreatment.

(a) All industrial and commercial process wastewater shall be pretreated prior to discharge to the public sewers, if necessary, in accordance with the provisions of the United States Environmental Protection Agency, the bureau of pollution control, and/or the city, whichever is more stringent. The minimum pretreatment requirements are as follows:

<i>Parameter</i>	<i>Maximum Concentration (mg/l)</i>
5-day biochemical oxygen demand (BOD)	250.0 ¹
Total suspended solids (TSS)	250.0 ¹
Total Kjeldahl nitrogen (TKN)	40.0 ¹
Oil and grease (O&G)	100.0
Arsenic	1.24
Cadmium	0.02
Chromium	1.27
Copper	0.14
Cyanide	1.60
Lead	0.06
Mercury	0.002
Molybdenum	0.24
Nickel	1.01
Selenium	1.30
Silver	1.92

<i>Parameter</i>	<i>Maximum Concentration (mg/l)</i>
Zinc	0.23
¹ In lieu of limits for these constituents, the superintendent may impose a high-strength surcharge based on reasonable costs for treatment.	

(b) As a condition for authorization to dispose of industrial wastes through the municipal system, the industrial applicant for a sewer permit shall provide the city with information describing wastewater constituents and characteristics, and the type of activity and quantity of production.

(Ord. of 1-14-2013)

Sec. 38-49. Actions superintendent may take with regard to certain wastes.

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics indicated in the proceeding sections, and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment in an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rate of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions shown above.

(b) If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. of 1-14-2013)

Sec. 38-50. Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that, such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(Ord. of 1-14-2013)

Sec. 38-51. Pretreatment facilities.

Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. of 1-14-2013)

Sec. 38-52. Control manhole.

When required by the superintendent, the owner of any property serviced by the building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. of 1-14-2013)

Sec. 38-53. Measurements, tests, etc.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and SS analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic samples.)

(Ord. of 1-14-2013)

Sec. 38-54. Special agreements.

Nothing contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

(Ord. of 1-14-2013)

Secs. 38-55—38-62. Reserved.**ARTICLE IV. WATER****Sec. 38-63. Water superintendent.**

The city waterworks shall be under the immediate control and supervision of the water superintendent who shall perform all acts that may be necessary for the prudent, efficient and economical management, maintenance and protection of the waterworks, subject to the approval and confirmation of the mayor and council.

Sec. 38-64. Application for water service.

Application for the use of water shall be made to the city clerk by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required. The application shall be accompanied by the application fee as established by the city council.

Sec. 38-65. Applications for new tap and service connection.

Applications for a new tap and service connection shall be made to the city clerk and accompanied by a tap fee in the amount established by the city council. The council shall establish tap fees for service within the corporate limits of the city and tap fees for service outside the corporate limits of the city, to cover the cost of the fittings, installation of the tap by the city and the necessary pipe from the main to the curb box. All work upon the service line shall be performed by a licensed plumber.

Secs. 38-66—38-83. Reserved.**ARTICLE V. ILLICIT DISCHARGE AND ILLEGAL CONNECTION****DIVISION 1. GENERALLY****Sec. 38-84. 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:

Accidental discharge means a discharge prohibited by this article which occurs by chance and without planning or thought prior to occurrence.

Clean Water Act means the Federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

Construction activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. These include construction projects resulting in land disturbance. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

Illegal connection means either of the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

- (2) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Illicit discharge means any direct or indirect nonstormwater discharge to the municipal separate storm sewer system, except as exempted in section 38-120(b).

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

Municipal separate storm sewer system means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catchbasins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs and other drainage structures, and which is:

- (1) Owned or maintained by the the city;
- (2) Not a combined sewer; and
- (3) Not part of a publicly owned treatment works.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means a permit issued by the state EPD under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

Pollutant means anything which causes or contributes to pollution. The term "pollutants" may include, but are not limited to: paints, varnishes and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive or other substance into any such waters as will or is likely

to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare or environment, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises means any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface and 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 of a single person.

Stormwater runoff or *stormwater* means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Sec. 38-85. Purpose and intent.

The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of nonstormwater discharges to the city separate storm sewer system to the maximum extent practicable as required by federal law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are to:

- (1) Regulate the contribution of pollutants to the municipal separate storm sewer system by any person;
- (2) Prohibit illicit discharges and illegal connections to the municipal separate storm sewer system;
- (3) Prevent nonstormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the municipal separate storm sewer system; and
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article

Sec. 38-86. Applicability.

The provisions of this article shall apply throughout the limits of the city.

Sec. 38-87. Compatibility with other regulations.

This article is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this

article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 38-88. Responsibility for administration.

The code enforcement officer shall administer, implement and enforce the provisions of this article.

Secs. 38-89—38-119. Reserved.

DIVISION 2. PROHIBITIONS

Sec. 38-120. Illicit discharges; exemptions.

(a) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

(b) The following discharges are exempt from the prohibition provision in subsection (a) of this section:

- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
- (2) Discharges or flows from firefighting, and other discharges specified in writing by the designated local enforcement authority as being necessary to protect public health and safety;
- (3) The prohibition provisions set forth in this section shall not apply to any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal separate storm sewer system.

Sec. 38-121. Illegal connections.

The construction, connection, use, maintenance or continued existence of any illegal connection to the municipal separate storm sewer system is prohibited.

- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- (2) A person violates this article if the person connects a line conveying sewage to the municipal separate storm sewer system, or allows such a connection to continue.
- (3) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the sewer department.
- (4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the code enforcement officer.

Sec. 38-122. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the code enforcement officer prior to allowing discharges to the municipal separate storm sewer system.

Sec. 38-123. Access and inspection of properties and facilities.

The code enforcement officer shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this article.

- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the code enforcement officer.
- (2) The owner or operator shall allow the code enforcement officer ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (3) The code enforcement officer shall have the right to set up on any property or facility such devices as are necessary in the opinion of the code enforcement officer to conduct monitoring and/or sampling of flow discharges.
- (4) The code enforcement officer may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the code enforcement officer. This sampling and monitoring equipment

shall be maintained at all times in a safe and proper operating condition by the owner or operator at his own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the code enforcement officer and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (6) Unreasonable delays in allowing the code enforcement officer access to a facility is a violation of this article.
- (7) If the code enforcement officer has been refused access to any part of the premises from which stormwater is discharged, and the code enforcement officer is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the code enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 38-124. Notification of accidental discharges and spills.

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, state waters or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release so as to minimize the effects of the discharge.

(b) Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the code enforcement officer within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

(d) Failure to provide notification of a release as provided in subsection (b) of this section is a violation of this article.

Secs. 38-125—38-146. Reserved.

DIVISION 3. VIOLATIONS, ENFORCEMENT AND PENALTIES

Sec. 38-147. Violations.

(a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

(b) In the event the violation constitutes an immediate danger to public health or public safety, the code enforcement officer is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The code enforcement officer is authorized to seek costs of the abatement.

Sec. 38-148. Notice of violation.

Whenever the code enforcement officer finds that a violation of this article has occurred, the code enforcement officer may order compliance by written notice of violation.

- (1) The notice of violation shall contain:
 - a. The name and address of the alleged violator;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - f. A statement that the determination of violation may be appealed to the code enforcement officer by filing a written notice of appeal within 30 days of service of notice of violation.
- (2) Such notice may require, without limitation:
 - a. The performance of monitoring, analyses and reporting;
 - b. The elimination of illicit discharges and illegal connections;
 - c. That violating discharges, practices or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of costs to cover administrative and abatement costs; and

- f. The implementation of pollution prevention practices.

Sec. 38-149. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the code enforcement officer. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the municipal court shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.

Sec. 38-150. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within ten days of the decision of the appropriate authority upholding the decision of the code enforcement officer, then representatives of the code enforcement officer may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth in this section.

Sec. 38-151. Costs of abatement of the violation.

(a) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within ten days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(b) Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.

Sec. 38-152. Civil penalties.

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the code enforcement officer shall deem appropriate, after the code enforcement officer has taken one or more of the actions described in section 38-151, the municipal court may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

Sec. 38-153. Criminal penalties.

For intentional and flagrant violations of this article, the city may issue a citation to the alleged violator requiring such person to appear in the appropriate municipal, magistrate or recorder's court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 38-154. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, welfare and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

Sec. 38-155. Remedies not exclusive.

(a) The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and the city may seek cumulative remedies.

(b) The city may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

Chapter 39

RESERVED

Chapter 40

ZONING*

Article I. In General

- Sec. 40-1. Enactment clause.
- Sec. 40-2. Short title.
- Sec. 40-3. Jurisdiction.
- Sec. 40-4. Purpose.
- Sec. 40-5. Interpretation of certain terms and words; definitions.
- Sec. 40-6. Interpretation and application.
- Sec. 40-7. Zoning affects all land and buildings.
- Sec. 40-8. Every use must be upon a lot.
- Sec. 40-9. Only one principal building per lot.
- Sec. 40-10. Open space not to be encroached upon.
- Sec. 40-11. Required open space may not be used by another building.
- Sec. 40-12. Reduction of yards or lot area.
- Sec. 40-13. Encroachment on public rights-of-way.
- Sec. 40-14. Location of accessory buildings or uses on residential lots.
- Sec. 40-15. Accessory buildings or uses on nonresidential lots.
- Sec. 40-16. Storage of recreation vehicle, travel trailer or camper.
- Sec. 40-17. Mobile office.
- Sec. 40-18. Every lot shall abut a street.
- Sec. 40-19. Lots with multiple frontage.
- Sec. 40-20. Screening required.
- Sec. 40-21. Side and rear yards not required next to railroad.
- Sec. 40-22. Substandard lots of record.
- Sec. 40-23. Intersection visibility and corner setback.
- Sec. 40-24. Permitted modification of setback requirement.
- Sec. 40-25. Right of business maintenance.
- Secs. 40-26—40-53. Reserved.

Article II. Zoning Districts

- Sec. 40-54. Establishment of districts.
- Sec. 40-55. Zoning map.
- Sec. 40-56. Interpretation of zoning district boundaries.
- Secs. 40-57—40-85. Reserved.

Article III. Schedule of Permitted Uses and Development Standards

- Sec. 40-86. Table of permitted uses.
- Sec. 40-87. Development standards.
- Secs. 40-88—40-117. Reserved.

***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.k.

TENNILLE CODE OF ORDINANCES

Article IV. Special Provisions for Certain Uses

- Sec. 40-118. Home occupations.
- Sec. 40-119. Group development projects.
- Sec. 40-120. Manufactured home community park.
- Sec. 40-121. Manufactured home.
- Sec. 40-122. Professional office building.
- Sec. 40-123. Subdivision developments.
- Secs. 40-124—40-144. Reserved.

Article V. Off-Street Parking and Service Requirements

- Sec. 40-145. Scope of provisions.
- Sec. 40-146. Parking spaces may not be reduced.
- Sec. 40-147. Drainage, construction and maintenance.
- Sec. 40-148. Separation from walkways, sidewalks and streets.
- Sec. 40-149. Parking areas design.
- Sec. 40-150. Joint parking facilities.
- Sec. 40-151. Pavement markings and signs.
- Sec. 40-152. Number of parking spaces.
- Sec. 40-153. Minimum number of loading spaces required.
- Sec. 40-154. Curb cut requirements.
- Secs. 40-155—40-176. Reserved.

Article VI. Sign Regulations

- Sec. 40-177. Signs shall meet requirements of this article.
- Sec. 40-178. No signs shall hamper traffic safety.
- Sec. 40-179. Locations prohibited.
- Sec. 40-180. Illumination not to be a nuisance.
- Sec. 40-181. Signs not requiring a permit.
- Sec. 40-182. Maximum area of signs.
- Sec. 40-183. Issuance of permits, administration and filing procedure.
- Secs. 40-184—40-204. Reserved.

Article VII. Nonconformances

- Sec. 40-205. Nonconforming lots.
- Sec. 40-206. Nonconforming open uses of land.
- Sec. 40-207. Nonconforming uses of structures.
- Sec. 40-208. Nonconforming signs.
- Sec. 40-209. Reconstruction of nonconforming structures.
- Sec. 40-210. Changes in zoning.
- Secs. 40-211—40-228. Reserved.

Article VIII. Administration, Enforcement and Penalties

- Sec. 40-229. Intent.
- Sec. 40-230. Zoning enforcement officer.
- Sec. 40-231. Building permit required.
- Sec. 40-232. Application for building permit.

ZONING

- Sec. 40-233. Sign permits.
- Sec. 40-234. Certificate of occupancy.
- Sec. 40-235. Penalties for violation.
- Sec. 40-236. Remedies.
- Secs. 40-237—40-265. Reserved.

Article IX. Appeal Procedure

- Sec. 40-266. Purpose.
- Sec. 40-267. Who may appeal.
- Sec. 40-268. Presentation of evidence.
- Sec. 40-269. Decision by mayor and city council.
- Sec. 40-270. Appeal of decision by mayor and city council.
- Secs. 40-271—40-288. Reserved.

Article X. Amendments

- Sec. 40-289. General conditions.
- Sec. 40-290. Application for amendment.
- Secs. 40-291—40-313. Reserved.

Article XI. Legal Status Provisions

- Sec. 40-314. Purpose.
- Sec. 40-315. Conflict with other laws.
- Sec. 40-316. Separability.

ARTICLE I. IN GENERAL**Sec. 40-1. Enactment clause.**

The city council comprised of the mayor and councilmembers of the city under the authority granted by article IX, section IV, paragraph II of the Georgia 1976 Constitution, hereby ordains and enacts into law the articles and sections of this chapter.

(Ord. of 8-22-1978, § 1-1)

Sec. 40-2. Short title.

This chapter shall be known and cited as the "Zoning Ordinance of Tennille, Georgia."

(Ord. of 8-22-1978, § 1-2)

Sec. 40-3. Jurisdiction.

This chapter shall govern the use of all land and the development thereof within the corporate limits of the city.

(Ord. of 8-22-1978, § 1-3)

Sec. 40-4. Purpose.

The purpose of this chapter shall be:

- (1) To promote the proper location, height, bulk, number of stories and size of buildings and other structures, the sizes of yards, courts, and other open spaces, the density and distribution of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities and other purposes so as to lessen congestion in the streets;
 - (2) To secure safety from fire, panic and other dangers;
 - (3) To promote health and the general welfare;
 - (4) To provide adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
 - (5) To promote desirable living conditions and the sustained stability of neighborhoods;
 - (6) To protect property against blight and depreciation;
 - (7) To secure economy in governmental expenditures;
 - (8) To conserve the value of buildings;
 - (9) To encourage the most appropriate use of land, buildings and structures throughout the city; and
 - (10) For other purposes.
- (Ord. of 8-22-1978, § 1-4)

Sec. 40-5. Interpretation of certain terms and words; definitions.

(a) Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. For the purpose of this chapter, certain terms and words used herein are defined in this section.

(b) Interpretation of certain terms and words.

- (1) Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- (2) The term "shall" is always mandatory.
- (3) The term "person" includes a firm, association, organization, trust, company or corporation as well as an individual.
- (4) The term "lot" includes the term "plot" or "parcel."
- (5) The term "constructed" includes the terms "erected," "built," "altered," "rebuilt," and "repaired."
- (6) The term "used" or "occupied," as applied to any land or building, shall be construed to include the term "intended, arranged or designed to be used or occupied."
- (7) The term "map" or "zoning map" refers to the official "Zoning Map of Tennille, Georgia."

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

Accessory building or use means a building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. If an accessory building is attached to the main building either by a common wall or if the roof of the accessory building is a continuation of the roof of the main building, such accessory building shall be considered a part of the main building.

Administrator, zoning, means the person, officer or official and his authorized representative, whom the city council has designated as its agent for the administration of these regulations.

Alley means a private or public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration, building or structural, means the following:

- (1) Any change in the supporting members of a building (such as any type of supporting structural members) except such a change as may be required for its safety;
- (2) Any addition to a building;
- (3) Any change in use from that of one district classification to another; or
- (4) Any move of a building from one location to another.

Apartment means a room or group of rooms providing complete living quarters for occupancy by one family and which is part of a residential building designed for occupancy by two or more families.

Apartment house means a building arranged, intended or designed to be occupied by three or more families living independently of each other.

Boardinghouse or roominghouse means any dwelling in which three or more persons either individually or as families are housed for payment with or without meals.

Buffer strip means a space developed or improved with evergreen trees or other plantings and/or a fence or wall which may be required in certain locations to reduce the conflicting or adverse effects of different uses abutting each other.

Building means any structure, except a mobile home, which has a roof and which is for the shelter, support or enclosure of persons, animals or property of any kind.

Building height means the vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

Building inspector means the person or persons appointed by the mayor and city council and charged with the duty of enforcing the provisions of this chapter.

Building, main or principal, means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on one lot as defined by this chapter shall be construed as compromising a main building.

Building site means the ground area of:

- (1) One lot; or
- (2) Two or more lots when used in combination for a building or group of buildings, together with all open spaces required by this chapter.

Business or commerce means:

- (1) The purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit;
- (2) The management of office building, offices, recreational or amusement enterprises; or
- (3) The maintenance and use of offices, structures and premises by professions and trade rendering services.

Care home.

- (1) The term "care home" means an orphanage, rest home, nursing home, convalescent home, boarding home for the aged, or similar use established to render domiciliary care.

- (2) The term "care home" does not include facilities for the care of mental patients, epileptics, alcoholics, drug addicts and does not include nursery schools.

Centerline of a street means the centerline of a street is the line surveyed and monumented by the governing body as such, or if a centerline has not been surveyed and monumented, it shall be that line midway between the outside curbs or ditches of the street.

Club or lodge, private, means an incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Curb cut means the providing of ingress and/or egress between property and an abutting public street.

Dwelling means a building designed or used for permanent living quarters for one or more families.

Dwelling, multifamily, means a building either designed, constructed, altered, or used for more than two adjoining dwelling units, with each dwelling unit having a common wall or common floor connecting it to at least one other dwelling unit in the building.

Dwelling, single-family, means a detached building used and either designed or constructed for one dwelling unit.

Dwelling unit means an enclosure of one or more rooms, including kitchen facilities, designed or constructed as a unit for residential occupancy by one family.

Family means one or more persons occupying a dwelling unit and living as a single housekeeping unit.

Farm means any plot or tract of land consisting of at least three acres and devoted to agricultural purposes.

Floor area, gross, means the total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, porches, carports and garages.

Home occupation means an occupation or activity and the retail sale of the products of such activity, if any, only when such occupation or activity takes place in the same building used as a private residence and is conducted by residents only. Such activity shall be confined to 25 percent of the floor area of the residence. See section 40-118.

Hospital means any institution receiving inpatients, or a public institution receiving outpatients, and authorized under state law to render medical, surgical and/or obstetrical care. The term "hospital" includes a sanitarium for the treatment and care of senile psychotics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

Hospital, small animal, means an establishment in which veterinary services, clipping, bathing, boarding and other services are rendered to dogs, cats and other small animals and domestic pets.

Junkyard means any land or building, used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof.

Kennel means a place where four or more adult dogs or cats are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is an animal of either sex, altered or unaltered, that has reached the age of four months.

Lot means land occupied, or to be occupied, by a building, group of buildings or uses, and accessory buildings, together with such yards and lot area as required by this chapter.

Lot, corner, means a lot having frontage on two or more public streets at their intersection.

Lot depth means the average horizontal length between the front and rear lot lines.

Lot of record means a lot which is part of a subdivision recorded in the office of the clerk of the superior court, or a parcel described by metes and bounds, the description of which has been so recorded.

Lot, through, means a lot other than a corner lot, having frontage on more than one street.

Lot width means the distance between the side lot lines, measured along the front yard setback line as established by this chapter, or if no setback line is established, the horizontal distance between the side lot lines measured along the street right-of-way line.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Manufactured home community.

- (1) The term "manufactured home community" means land used or intended to be used, leased or rented for occupancy by five or more manufactured homes which are mounted on wheels, anchored in place by a foundation or other stationary support, to be used for living or commercial purposes of any kind, together with automobile and parking space and incidental utility structures and facilities required and provided in connection therewith.
- (2) The term "manufactured home community" does not include manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

Map, zoning, means the "Zoning Map of Tennille, Georgia," incorporated into this chapter as a part thereof by reference thereto.

Nonconforming use means any lawful use existing at the time of enactment of this chapter that does not conform with the use for this district as specified in this chapter.

Nursery school means an agency, organization or individual providing daytime care of four or more children not related by blood or marriage or not the legal wards or foster children of the attendant adult.

Nursing home means any facility, authorized by state law, in which aged, chronically ill, or incurable persons are housed and furnished with meals and nursing care.

Principal use means the principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

Process structures means any concrete, steel or wood structure that supports equipment for processing purposes for:

- (1) Air, noise and water pollution control; and
- (2) Access structures for the operation and maintenance of such equipment.

Professional office building means a building constructed for or remodeled for use as office space for professions including, but not limited to, medical, dental, legal, forestry, surveying, financial, architectural, engineering, real estate or insurance. See section 40-122.

Public street means the right-of-way dedicated to the city or owned by the city for public street purposes.

Setback means the shortest distance between the centerline of a street and the principal building or structure on a lot.

Shopping center means two or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.

Sign.

- (1) The term "sign" means any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or
- (2) The term "sign" means any structure including billboard or poster panel designed to carry the visual information set forth in this definition.
- (3) Types of signs are as follows:
 - a. *Advertising separate use sign* means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered only elsewhere than upon the premises where the sign is displayed.

- b. *Advertising incidental use sign* means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered as a minor and incidental activity upon the premises where the sign is displayed.
- c. *Bulletin board* means a sign used to announce meetings or programs to be held on the premises of a church, community recreation center, school, auditorium, library, museum or similar noncommercial places of public assembly.
- d. *Identification sign* means a sign used to identify only the name of the individual, family, organization or enterprise occupying the premises.
- e. *Point of business sign* means a sign which directs attention to a business, profession or industry located upon the premises where the sign is displayed to type of products sold, manufactured or assembled, and/or to service or entertainment offered on said premises, but not a sign pertaining to the preceding of such activity is only minor and incidental to the principal use of the premises.

Special exception means a special exception is a use which within certain districts specified by this chapter is not permitted as a matter of right but may be permitted within these districts by the city council after said council has:

- (1) Reviewed the proposed site plans for the use, its location within the community, its arrangement and design, its relationship to neighboring property and other conditions peculiar to the particular proposal which would determine its desirability or undesirability;
- (2) Found the proposal not to be contrary to the intent of this chapter; and
- (3) Approved the use as specified.

Street relates to and includes streets and avenues, boulevards, roads, highways, expressways and other ways (see the definition of public street in this section). Types of streets are as follows:

- (1) *Major street* means a street having a 100-foot right-of-way and/or designated as a state highway or a county road.
- (2) *Minor street* means a street deeded to the city having less than 100 feet of right-of-way.

Structural alterations means any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Structure.

- (1) The term "structure" means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Among other things, the term "structure" includes buildings, manufactured homes, billboards, swimming pools and fallout shelters.
- (2) The term "structure" does not include walls or fences.

Tourist home means a dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Trailer, camping or recreation vehicle, means a vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is identified on the unit by the manufacturer as a camper, travel trailer, recreation vehicle or motor home, and is not more than eight feet in body width.

Trailer park, travel, means any portion or parcel of land designed to accommodate one or more travel trailers or recreation vehicles to be used for living or sleeping purposes, including any land, building, structure or facility used by the occupants of such units on such property.

Trailer, residential or manufactured home. See *Manufactured home*.

Use means the purpose for which land or buildings is arranged, designed or intended, or for which either is or may be occupied or maintained.

Variance means a variance is a relaxation of the terms of this chapter, not a change in a zoning district, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Yard means an open space on the same lot with a principal building, occupied except as permitted by this chapter. The following are types of yards:

- (1) *Yard, front*, means the area of a lot lying between the abutting street right-of-way and the principal building of the lot and extending across the front of a lot from side lot line to side lot line.
- (2) *Yard, rear*, means the area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.
- (3) *Yard, side*, means the area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

(Ord. of 8-22-1978, art. II)

Sec. 40-6. Interpretation and application.

In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of this chapter. Except as hereinafter provided, this chapter shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants or other agreements between parties. Whenever the provisions of this chapter impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of lot to be left unoccupied than the provisions of other resolutions, rules, regulations, permits or any easements, covenants or other agreements between parties, the provisions of this chapter shall govern.

(Ord. of 8-22-1978, § 3-1)

Sec. 40-7. Zoning affects all land and buildings.

No buildings, structure or land shall be used or occupied; and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with this chapter.

(Ord. of 8-22-1978, § 3-2)

Sec. 40-8. Every use must be upon a lot.

No building or structure may be erected or use established unless upon a lot as defined by this chapter except as provided in sections 40-22(2) and 40-205.

(Ord. of 8-22-1978, § 3-3)

Sec. 40-9. Only one principal building per lot.

Except as herein provided (see section 40-119), there shall be no more than one principal building, structure, or use upon any lot other than lots within C-1, C-2, I-1 or I-2 district.

(Ord. of 8-22-1978, § 3-4)

Sec. 40-10. Open space not to be encroached upon.

No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this chapter for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs and planted buffer strips shall be construed not to be encroachments of yards.

(Ord. of 8-22-1978, § 3-5)

Sec. 40-11. Required open space may not be used by another building.

No part of any yard, other open space, or off-street parking or loading space required about or in connection with any building, structure, or use by this chapter shall be considered to be part of a required yard, other open space or off-street parking or loading space for any other building, structure, or use except as provided in section 40-150.

(Ord. of 8-22-1978, § 3-6)

Sec. 40-12. Reduction of yards or lot area.

Except as provided in section 40-24, no lot existing at the time of passage of the ordinance from which this chapter is derived shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this chapter for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

(Ord. of 8-22-1978, § 3-7)

Sec. 40-13. Encroachment on public rights-of-way.

No building, structure, service area, or required off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

(Ord. of 8-22-1978, § 3-8)

Sec. 40-14. Location of accessory buildings or uses on residential lots.

(a) Accessory buildings may be erected in any required yard except a front yard, provided that in no instance shall such a building be placed nearer to a property line than the required side or rear yard specified for the principal building for the district in which it is located.

(b) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

(Ord. of 8-22-1978, § 3-9)

Sec. 40-15. Accessory buildings or uses on nonresidential lots.

Accessory buildings or uses on nonresidential lots shall comply with front, side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located.

(Ord. of 8-22-1978, § 3-10)

Sec. 40-16. Storage of recreation vehicle, travel trailer or camper.

One recreation vehicle, travel trailer or camper, as defined in section 40-5, may be stored on a residential lot provided it is located and unoccupied.

(Ord. of 8-22-1978, § 3-11)

Sec. 40-17. Mobile office.

A manufactured home may be converted and used as an office provided that it shall not be also used as a family dwelling.

(Ord. of 8-22-1978, § 3-12)

Sec. 40-18. Every lot shall abut a street.

No building shall be erected on a lot which does not abut for at least 25 feet on a public street, except in a C-1 district where the minimum size lot is 20 feet and which is not accessible via a public drive of not less than 20 feet width, exclusive of parking. Buildings in I-2 districts are exempt from these requirements.

(Ord. of 8-22-1978, § 3-13)

Sec. 40-19. Lots with multiple frontage.

In the case of a corner lot, side yard setback requirements from the property line shall be equal to 75 percent of that required for the front yard setback for the district. On a corner lot

where the main entrance into a residence is facing a side yard, it shall be permissible for purposes of this chapter to construe the residence to be fronting on the street other than that street which said entrance faces, and side and rear yard requirements may be provided accordingly. If a building is constructed on a through lot having frontage of two roads not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

(Ord. of 8-22-1978, § 3-14)

Sec. 40-20. Screening required.

Wherever screening is required by this chapter, a durable masonry wall, or fence and hedge of sufficient capacity to provide a visual blind designed to be compatible with the character of adjoining properties, shall be provided. Such fences and walls shall be at least five feet in height measured from the ground along the common lot line of the adjoining properties. Hedges or comparable natural plantings shall be of such variety that an average height of at least five feet could be expected by normal growth within no later than three years from the time of planting.

(Ord. of 8-22-1978, § 3-15)

Sec. 40-21. Side and rear yards not required next to railroad.

Within any nonresidential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

(Ord. of 8-22-1978, § 3-16)

Sec. 40-22. Substandard lots of record.

Any lot of record existing at the time of the adoption of the ordinance from which this chapter is derived, which has an area or a width which is less than required by this chapter, shall be subject to the following exceptions and modifications:

- (1) *Adjoining lots.* If two or more adjoining lots with continuous frontage are in one ownership at any time after said adoption date and such lots individually are less than the minimum square footage and/or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or in which located; provided, however, that when such combination of lots would create a single lot having a width and area $1\frac{3}{4}$ times or more than that width and area required by this chapter, then such lot may be divided into two lots of equal width and equal area and said lots used as conforming lots.
- (2) *Lot not meeting minimum lot size requirements.* Any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of the ordinance from which this chapter is derived, which has an area or a width which is less than that required by this chapter may be used as a building site for a

single-family dwelling or other use permitted in that zone; provided, however, that the same yard, setback, open space and other dimensional requirements are met that would be required for a standard lot.

(Ord. of 8-22-1978, § 3-17)

Sec. 40-23. Intersection visibility and corner setback.

In all zones, except on corners where a traffic light or a four-way stop is existing and operating 24 hours daily, no solid construction, hedge, bushes or other obstruction to a clear view which extends over three feet in height shall be permitted at any corner of intersecting streets where either or both of the streets are less than 60 feet in width. Exceptions shall be made for utility poles, lighting standards, traffic and street signs and trees, the branches of which are kept trimmed to a height of eight feet above the street level. Nonconforming buildings shall be excepted from this provision.

(Ord. of 8-22-1978, § 3-18)

Sec. 40-24. Permitted modification of setback requirement.

When a building or structure is proposed on a lot and when on either or both lots which adjoin such lot at the street right-of-way line, there exists a principal building which does not conform to the setback requirements of this chapter, the required setback for such building or structure shall be as follows:

- (1) Where only one said adjoining lot contains a principal building with a nonconforming setback, the setback shall be the computed average of the normal setback requirement with the nonconforming setback;
- (2) Where both adjoining lots contain a principal building each with a nonconforming setback, the minimum setback shall be the computed average of the two nonconforming setbacks; or
- (3) Reconstruction or modification of existing nonconforming structures shall be authorized utilizing the original setback.

(Ord. of 8-22-1978, § 3-19)

Sec. 40-25. Right of business maintenance.

Heavy industry plants in I-2 districts shall have the right to engage in any activity necessary to maintain and expand that industry and shall have the right to engage in any activity to comply with any mandated state or federal legislation or agency. These rights shall exist for I-2, heavy industrial plants, even though specific rights may not be expressly indicated. The rights for activities and fixtures to maintain business and plant maintenance and/or to comply with state and federal regulations shall not be interpreted so as to grant these rights to activities or fixtures that are not necessary for maintenance of heavy industrial plants and shall not permit other businesses to locate in I-2 districts, solely because they

engage in similar activities as an independent supplier to said heavy industries. These rights shall exist for contractors that are engaged in such activities for heavy industries on said industries' property.

(Ord. of 8-22-1978, § 3-20)

Secs. 40-26—40-53. Reserved.

ARTICLE II. ZONING DISTRICTS

Sec. 40-54. Establishment of districts.

In order that the purposes of this chapter as set forth in article I of this chapter may be accomplished, there are hereby established, within the city, the zoning districts identified as follows:

- (1) *A-1 Agricultural District.* The purpose of the A-1 Agricultural District is to provide single-family residential areas with minimum lot sizes of three acres, said areas being protected from the depreciating effects of small lot development, and also permitting rural agricultural uses.
- (2) *R-1 Single-Family Residential District.* The purpose of the R-1 Single-Family Residential District is to provide single-family residential areas with minimum lot sizes of 12,000 square feet, said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of those uses which are incompatible to a desirable residential environment.
- (3) *R-2 Single-Family Residential District.* The purpose of the R-2 Single-Family Residential District is to provide single-family residential areas with minimum lot sizes of 8,000 square feet, said areas being protected from the depreciating effects of small lot development and excessive density and from the encroachment of those uses which are incompatible to a desirable residential environment.
- (4) *R-3 Multifamily Residential District.* The purpose of the R-3 Multifamily Residential District is to provide orderly development of high-density residential areas for one-family, two-family and multifamily dwellings, said areas being protected from the encroachment of those uses which are incompatible to a desirable residential environment.
- (5) *R-4 Manufactured Home Community District.* The purpose of the R-4 Manufactured Home Community District is to provide areas within the city exclusively for manufactured home residences and for building directly related to the operation of the manufactured home community. Manufactured home communities shall be a minimum of three acres with manufactured home space of at least 4,000 square feet each. See section 40-120.
- (6) *C-1 Central Business District.* The purpose of the C-1 Central Business District shall be to enhance and protect shopping facilities in the central business district of the city.

- (7) *C-2 General Commercial District.* The purpose of the C-2 General Commercial District is to provide for those business activities which are larger users of space than commercial uses serving the central commercial district and to provide for those business activities which cater to the needs of individual neighborhoods, and highway business areas.
 - (8) *I-1 Light Industrial District.* The purpose of the I-1 Light Industrial District shall be to provide and protect areas for those industrial uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods, or to the other uses permitted in the district.
 - (9) *I-2 Heavy Industrial District.* The purpose of the I-2 Heavy Industrial District, is to provide a location for those industrial operations and processes which are not considered nuisances but which have objectionable characteristics that are not injurious to the health, safety and general welfare of the public.
 - (10) *F-H Flood Hazard District.* The purpose of the F-H Flood Hazard District is to identify areas of the city that defined by the U.S. Department of Housing and Urban Development as being subject to periodic flooding and to limit development to uses that will be least damaged by flooding.
- (Ord. of 8-22-1978, § 4-1)

Sec. 40-55. Zoning map.

- (a) The boundaries of each district are shown on a map entitled "Zoning Map of Tennille, Georgia," dated August 22, 1978, and certified by the mayor. Said map and all explanatory matter thereon accompanies and is hereby made a part of this chapter.
 - (b) An accurate copy of the "Zoning Map of Tennille, Georgia" shall be on file in the office of the zoning administrator at all times. Said map shall accurately show all map amendments made in accordance with the provisions of this chapter, and the date when said amendments became effective. It shall be the duty of the zoning administrator to see to it that the official zoning map of the city displayed in his office is kept up to date and accurately shows all amendments approved by the city council.
- (Ord. of 8-22-1978, § 4-2)

Sec. 40-56. Interpretation of zoning district boundaries.

When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the official zoning map of the city the following rules shall apply:

- (1) Where district boundaries are depicted as approximately following the centerlines of streets or highways, centerlines of streams or drainageways, street lines or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.

- (2) Where district boundaries are so depicted that they approximately follow the lot lines, such lots shall be construed to be said boundaries.
 - (3) Where district boundaries are so depicted that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
 - (4) Where a district boundary line, as appears on the zoning map, divides a lot in single ownership at the time of enactment of the ordinance from which this chapter is derived, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extension shall not include any part of such a lot more than 35 feet beyond the district boundary lines.
- (Ord. of 8-22-1978, § 4-3)

Secs. 40-57—40-85. Reserved.

ARTICLE III. SCHEDULE OF PERMITTED USES AND DEVELOPMENT STANDARDS

Sec. 40-86. Table of permitted uses.

Within the various zoning districts as indicated on the official zoning map of the city, no building, structure or land shall be constructed, erected, altered, or used except as indicated in the following schedules:

- (1) *Uses permitted by right.* Uses permitted as a matter of right are indicated on the schedule in this section by the letter "X" in the appropriate column.
- (2) *Special exceptions.* Uses permitted only after special review and approval of the city council (see definition of the term "special exception" in section 40-5) are indicated on the schedule in this section by the letter "O" in the appropriate column.

Uses	A-1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
1. Accessory building or uses (See definition in section 40-5)	X	X	X	X	X	X	X	X	X
2. Acid storage and manufacturing								X	X
3. Advertising display manufacturing, sales							O	X	O
4. Ambulance service or rescue squad						X	X		
5. Amusement park							X		
6. Amusement or recreational activities (commercial), carried on outside a building such as a golf course, softball field and uses of similar nature	O	O	O	O	O		X	O	O
7. Amusement or recreational activities (commercial), carried on wholly within a building, such as cinema, theater, auditorium and uses of a similar nature						X	X		
8. Animal hospital, commercial kennels, veterinary clinic or animal boarding place, located at least 300 feet from the nearest residential district							X		
9. Antique shop (see section 40-118)						X	X		
10. Appliance stores						X	X		
11. Armories for meetings and training of military organizations							X		
12. Art studio (see section 40-118)						X	X		
13. Athletic club						X	X		
14. Athletic field, public	X		X	X					
15. Auditorium, assembly hall (commercial, see No. 7 in this table)						X	X		
16. Automobile parking lot or parking, garage (commercial)						X	X		
17. Auto truck sales, repair parts						X	X		
18. Auto body repair shop							X	X	
19. Bait sales						X	X		
20. Baked goods (commercial)						X	X		
21. Banks, financial institutions						X	X		
22. Bar, cocktail lounge, tavern						X	X		
23. Barbershop (see section 40-118)						X	X		
24. Barns, silos and farm buildings	X								
25. Beauty shop (see section 40-118)						X	X		
26. Beer and wine						X	X		

ZONING

§ 40-86

Uses	A-1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
27. Boardinghouse				X					
28. Bottle gas, storage and distributor								X	X
29. Bottling and canning plant							X	X	
30. Bowling alley						X	X	X	
31. Broadcasting studio (radio, TV)			O	O	O	X	X	X	X
32. Builders equipment, material storage						X	X	X	X
33. Bus terminal, passenger					X	X			
34. Business schools					X	X			
35. Cafe, restaurant, supper club						X	X	X	
36. Campground, private and public	O				X		X		
37. Canning plant								X	
38. Carnival, rodeo, horse show or athletic event, tent revival community fair or other event of interest to the public; not to exceed 30 days	X						X	X	X
39. Carpet and rug sales, storage						X	X		
40. Cemetery	O	O	O	O					
41. Church or other place of worship	O	O	O	O	O	O	O		
42. Clinic, public or private			O	O		X	X		
43. Clothing and dry goods stores						X	X		
44. Clubs or lodges, private	O		O	O		X	X		
45. Community center			O	O	O	X	X		
46. Contractor equipment, material storage						X	X	X	X
47. Cosmetic and pharmaceutical products, manufacturing								X	
48. Curio and souvenir shop						X	X		
49. Dance school or studio						X	X		
50. Department store						X	X		
51. Disposal plant, sewage									X
52. Drive-in restaurant						X	X		
53. Drive-in theater							X		
54. Driving range, golf							X		

Uses	A-1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
55. Drug stores						X	X		
56. Dry cleaning plant, pickup station						X	X		
57. Dwelling, single-family	X	X	X	X	X				
58. Dwelling, multifamily, group				X					
59. Electric, power yards, substation	O	O	O	O	O	O	O	O	X
60. Electrical repair (commercial)							X	X	
61. Experimental laboratory							X	X	X
62. Fabrication shop, wood and fabric						X	X	X	X
63. Farm equipment, sales and service						X	X		
64. Farmer's market							X		
65. Farmlands (except livestock)	X								
66. Feed, grain or fertilizer; wholesaling and storage							X	X	
67. Feed, seed, insecticide and fertilizer retail sales						X	X		
68. Fire station	O	O	O	O	O	O	O	O	O
69. Fish-meat; wholesale, cure, storing							X	X	
70. Florist, greenhouse, nursery; retail and wholesale						X	X		
71. Food manufacturing								X	
72. Food stores, including retail bakeries, meat markets, dairy products, confectioner shops and stores of similar nature						X	X		
73. Fraternities and sororities				X					
74. Freezer locker service							X	X	
75. Freight express office						X	X		
76. Frozen food, cold storage locker							X	X	
77. Funeral home			O	O		X	X		
78. Furniture upholstery shop						X	X		
79. Furniture store, retail						X	X		
80. Garage apartment				X					
81. Garage, public storage							X	X	
82. Gasoline petroleum bulk plant (storage and refining)								X	X

ZONING

§ 40-86

Uses	A-1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
83. Gasoline, service station						X	X		
84. Glass sales and storage						X	X		
85. Golf course	O						X		
86. Go-kart, motorbike track							X		
87. Grocery; fruit or vegetable market						X	X		
88. Group development projects (see section 40-119)				X					
89. Hardware, appliance store or electrical						X	X		
90. Historic site	O	O	O	O	O	O	O	O	O
91. Home; elderly, children, nursing			X	X		X	X		
92. Home furnishings and hardware						X	X		
93. Home occupation (see section 40-118)	O	O	O	O	O				
94. Hospital and care homes			X	X		X	X		
95. Hotel						X	X		
96. Housing, multifamily project (see section 40-119)				X					
97. Ice, manufacturing or sales						X	X	X	
98. Imported goods, warehouse and sales						X	X		
99. Impounds or settling ponds	O	O	O	O	O			O	X
100. Jewelry store						X	X		
101. Junkyard and salvage yard									X
102. Junkyard or auto graveyard, provided:									X
a. Use shall not be located within 800 feet of a major or secondary street									
b. If within 500 feet of a public right-of-way, an eight-foot-high solid fence or wall shall be erected to screen the storage yard from view from the street									
103. Kennel							X	X	
104. Laboratory, research, commercial							X	X	X
105. Laundrette or washerteria (self-service laundries)						X	X		
106. Library			O	O		X	X		
107. Liquor store						X	X		
108. Locksmith, gunsmith						X	X		

Uses	A-1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
109. Lumberyard, coal storage yards, or other storage not specifically listed in this table							O	X	X
110. Machine shop, metal fabrication							X	X	X
111. Manufacturing, heavy									X
112. Manufacturing, light								X	
113. Medical, dental or similar clinic (see sections 40-118 and 40-122)					X	X			X
114. Mining, quarry; equipment storage									
115. Manufactured home (see sections 10-120 and 40-121)				O	X				
116. Manufactured home community					X				
117. Manufactured home sales lot						X	X		
118. Mobile office (see section 40-17)							X	X	X
119. Mobile office, temporary (in conjunction with construction of building) on lot where construction is taking place or adjacent lots, such uses to be terminated upon completion of construction (see No. 171 in this table)	O	O	O	O	O	O	O	X	
120. Motel						X	X		
121. Museum, historical display	O	O	O	O	O	O	O	O	O
122. Music teaching studio (see section 40-118)						X	X		
123. Newspaper or magazine publishing and distribution						X	X		
124. Nursery schools, kindergarten provided:	O		X	X		X	X		
a. Off-street loading and unloading spaces are supplied									
b. At least 100 feet of outdoor play area is supplied for each child accommodated									
c. The entire play area is enclosed by a fence a minimum height of at least four feet and constructed in a manner that maximum safety to the children is ensured									
125. Office equipment sales and service						X	X		
126. Tanks, for fuel, oil or other nonflammable element								X	X
127. Parking lot, commercial						X	X		
128. Park and playground	O	O	O	O	O	O	O		
129. Paving, temporary batch plant								X	X
130. Pawnshops						X	X		

ZONING

§ 40-86

Uses	A-1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
131. Personal service shop, such as barbershop, beauty shop, shoe repair, laundry pickup station, watch repair and services of a similar nature (see section 40-118)					X	X			
132. Pest control						X	X		
133. Photography studio (see section 40-118)						X	X		
134. Pipelines	O	O	O	O	O	O	O	O	X
135. Police, sheriff, highway patrol office						X	X		
136. Printing, photo engraving, bookbinding, blueprinting						X	X		
137. Professional offices (see sections 40-118 and 40-122)			O	O		X	X	X	X
138. Public building						X	X		
139. Publicly owned recreation centers, YMCA and institutions of a similar nature		O	O		X	X			
140. Public utilities plant and public services structures								X	X
141. Radio and TV towers						X	X	X	X
142. Radio and TV transmit; station studio						X	X	O	
143. Railroad spur tracks	O						O	X	X
144. Railroad passenger station						X	X		
145. Railroad freight station						X	X		
146. Real estate office (see sections 40-118 and 40-122)			O	O		X	X		
147. Restaurant, supper club, cafe and food catering service						X	X		
148. Retail auto parts and tire stores						X	X		
149. Retail candy and ice cream stores						X	X		
150. Retail store						X	X		
151. Roominghouse				X					
152. Sawmill, lumberyard								X	
153. Schools, elementary, junior and senior high, public or private		O	O	O		O	O		
154. School, commercial		O	O	O		O	O		
155. Septic tank, manufacturing								X	X
156. Service station, automobile, provided major auto repair shall not be permitted, or shall there be outside storage of materials or equipment other than merchandise offered for sale						X	X		

Uses	A-1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2
157. Sheet metal products							X	X	X
158. Shell homes display yards							X	X	
159. Signs (see article VI of this chapter, sections 40-5, 40-118(3) and 40-122(3))	O	O	O	O	O	O	O	O	O
160. Silos								X	X
161. Skating rink roller and ice						X	X		
162. Small motor repair shops						X	X	X	X
163. Specialty shops						X	X		
164. Storage warehouse						X	X	X	X
165. Swimming pool, private	O	O	O	O	O				
166. Swimming pool, public			O			O	O		
167. Tailor (see section 40-118)						X	X		
168. Taxi station						X	X		
169. Taxidermist						X	X		
170. Telephone, tower, substation							X	X	X
171. Temporary buildings for storage of materials (in conjunction with construction of a building) on lot where construction is taking place or adjacent lots, such uses to be terminated upon completion of construction	O	O	O	O	O	O	O	O	X
172. Temporary structures (tents, canopies)			O	O			O		X
173. Theater						X	X	X	
174. Tourist home				X					
175. Travel trailer park (see section 40-120)					X				
176. Truck terminal							X	X	
177. Upholstery shop (see section 40-118)						X	X	X	
178. Vending machine distributor						X	X	X	
179. Warehousing, not related to sales on the premises							X	X	X
180. Welding shop							X	X	X

(Ord. of 8-22-1978, § 5-1)

Sec. 40-87. Development standards.

Within the various zoning districts as indicated on the official zoning map of the city, no building or structure shall be constructed or erected except as indicated in the following schedule:

<i>District</i>	<i>Minimum Lot Area (square feet)</i>	<i>Minimum Lot Width at Building Line (feet)</i>	<i>Minimum Front Yard Setback from Centerline</i>		<i>Minimum Rear Yard Depth (feet)</i>	<i>Minimum Side Yard Width (feet)</i>	<i>Maximum Height (feet)</i>
			<i>Major Streets</i>	<i>Other Streets</i>			
A-1	3 acres	200	75	60	20	20 each side	25
R-1	12,000	100	75	60	20	20 each side	35
R-2	8,000	70	75	60	20	10 each side	35
R-3	Single-family 6,000	60	65	50	20	10 each side	50
	Multi-family 4,000 each						
R-4	4,000	40	75	60	20	10 each side	15
C-1	—	20	10 from curb	10 from curb	10, abutting a residential district	5, abutting a residential district	35
C-2	—	50	75	60			35
I-1	—	50	75	50	30, abutting a residential district	50	
I-2	—	50	75	40	100, abutting a residential district		

(Ord. of 8-22-1978, § 5-2)

Secs. 40-88—40-117. Reserved.

ARTICLE IV. SPECIAL PROVISIONS FOR CERTAIN USES**Sec. 40-118. Home occupations.**

A home occupation as defined by this chapter shall be governed by the following requirements:

- (1) Only residents of the dwelling may be engaged in the home occupation.
- (2) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
- (3) Only one point of business sign, not exceeding two square feet in size, motionless, nonlighted, and attached to the principal building, shall be permitted, and no advertising signs shall be permitted.
- (4) Use of the building for this purpose shall not exceed 25 percent of one floor of the principal building.
- (5) No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- (6) The occupation shall not constitute a nuisance in the neighborhood.
- (7) No accessory buildings or outside storage shall be used in connection with the occupation.
- (8) Instruction in music and similar subjects shall be limited to two students at a time.
- (9) Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.
- (10) No more than three nontransient guests may be boarded at any one time as a customary home occupation.
- (11) The following and similar uses shall be considered home occupations: addressing service, art instructor, beauty shop (with no more than one operator), dentist, doctor, drafting, dressmaking, insurance agent, manufacturing agent, massage parlor, music teacher, notary public, photography, real estate agent, tax consultant. See section 40-86(93).

(Ord. of 8-22-1978, § 6-1)

Sec. 40-119. Group development projects.

Any group of buildings devoted to the same use and intended to be operated under one management, such as a garden apartment project or medical office development, known herein as a group development project, may be permitted as a special exception by the city council, providing it shall meet the following requirements:

- (1) *Minimum lot size.* The minimum lot size shall be two acres.

- (2) *Street access.* Any building established as a part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to such vehicles by a paved driveway having a roadbed width of not less than 20 feet, exclusive of parking spaces.
 - (3) *Separation of buildings.* All residential buildings established as a part of a group development project shall be not less than 20 feet apart.
 - (4) *Setback requirements.* All buildings and structures established as a part of a group development project shall comply with the front yard setbacks, and the exterior side and exterior rear yard requirements established for the district in which located.
 - (5) *Uses prohibited.* In no case shall a use be permitted as a part of a group development project that is prohibited by this chapter in the district in which such project is to be located.
- (Ord. of 8-22-1978, § 6-2)

Sec. 40-120. Manufactured home community park.

Manufactured home community parks are allowed within a R-4 district as a matter of right.

- (1) The minimum size shall be three acres;
- (2) The park shall have minimum side yards of ten feet and a front yard at least 20 feet;
- (3) Each manufactured home shall be connected to water and sewerage;
- (4) The minimum lot area per manufactured home shall be no less than 4,000 square feet with a minimum staff width of 40 feet where served by public water and sewer;
- (5) The minimum distance between any two manufactured homes or between any manufactured home and any other building in the park shall be 20 feet;
- (6) A 20-foot drive shall serve all manufactured home stalls and be drained so as to prevent damage to adjoining property, public or private;
- (7) A recreation area shall be provided within the manufactured home park providing a minimum of one-half-acre of land for the first ten manufactured home spaces and one-half-acre for each ten additional manufactured home spaces;
- (8) Any property line of a manufactured home park behind the front yard setback which abuts or is within a residential zoning district shall be screened as called for in section 40-20; and
- (9) No community park shall be occupied by greater than ten manufactured homes per acre as authorized in the approved building and inspection permits. No manufactured home community park shall be enlarged or extended unless a separate building permit and a separate final inspection permit have been issued.

(Ord. of 8-22-1978, § 6-3)

Sec. 40-121. Manufactured home.

A manufactured home is allowed in a manufactured home community, section 40-120, as a matter of right, and within a R-3 district as a special exception provided the following requirements are met:

- (1) No more than one manufactured home shall be allowed per lot unless within a legally existing and permitted manufactured home community park, see section 40-120, and in no case shall a manufactured home be placed on lot occupied by any other principal building.
 - (2) All manufactured homes must be connected to public water and sewerage systems if available. The county health department must approve private water and/or sewerage systems prior to permitting of a manufactured home.
 - (3) All manufactured homes shall be provided with individual safe and convenient 20-foot vehicular access from an abutting public street to each mobile home lot. See section 40-152(25).
 - (4) A manufactured home shall meet the same requirements as a single-family dwelling when placed in an R-3 district as specified in section 40-87.
 - (5) A manufactured home to be placed in an R-3 district must have a minimum of 900 square feet of floor area exclusive of additions.
 - (6) Manufactured homes are to be occupied by only one family and, when placed in R-3 districts, the owner must furnish written proof to the zoning administrator that permission has been granted by the property owner to place a mobile home on said lot.
 - (7) Manufactured homes in R-3 districts must be underpinned and closed in from the floor level to the ground on all sides with a permanent type metal or masonry material.
- (Ord. of 8-22-1978, § 6-4)

Sec. 40-122. Professional office building.

New or remodeled buildings for use as offices for medical, dental, legal, forestry, surveying, financial, architectural, engineering, real estate or insurance professions may be permitted as a special exception and allowed in R-2 and R-3 districts by the city council providing the following requirements are met (see section 40-87 and the definition in section 40-5):

- (1) *Parking.* Off-street parking shall be provided with one space for each 200 square feet of floor area plus one space for each employee. See section 40-152.
- (2) *Setback requirements.* All professional office buildings and structures shall comply with the front yard setbacks, and the exterior side and exterior rear yard requirements established for the district in which it is to be located.
- (3) *Point of business sign.* Only one point of business sign, not exceeding six square feet in size, motionless, nonlighted, and attached to the principal building, shall be permitted, and no advertising signs shall be permitted.

(Ord. of 8-22-1978, § 6-5)

Sec. 40-123. Subdivision developments.

A subdivision is the division of a tract or parcel of land into three 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 into three or more lots involving a new street, or a change in existing streets; or division of land involving the extension of water or sewer lines and includes resubdivisions. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant of lots are equal to the standards of section 40-87; nor the division of land into parcels of five acres or more where no new street is involved is not considered a subdivision.

- (1) *Development plan.* The development plan for the subdivision shall be prepared as a preliminary subdivision plat and shall conform to the requirements of this chapter. The use to be made of each lot shall be marked on the plat. The plat shall also state the maximum number of dwelling units authorized for the subdivision. When approved, a final plat shall be recorded in the same manner as other subdivision plats along with the necessary covenants and restrictions applicable to the development. In addition, a faithful reproduction of the plat shall be prominently displayed within the subdivision until such time as the subdivision is fully developed.
- (2) *Private deed covenants.* The subdivision shall be included within private deed covenants running with the land to ensure its continuance in accordance with approved plans and development.
- (3) *Procedures for approval of subdivision developments.*
 - a. *Preapplication review.* Prior to the submittal of an application for approval of a planned development, the developer shall meet with the planning commission, the zoning administrator, and the building inspector for a review of the location, scope and nature of the proposed development.
 - b. *Application for approval; site plan required.* At least 14 days prior to the regular meeting of the planning commission, a site plan plot of the proposed development shall be submitted as prescribed in this subsection. Each site plan shall be prepared by an architect, engineer, or land surveyor, or by a professional landscape architect, or by a professional planner. Each site plan shall be drawn at an appropriate scale and shall show the following:
 1. *Name.*
 - (i) Names of the proposed development;
 - (ii) Names and addresses of the owner and the designer of the site plan and his seal.
 2. *Date.* Date, approximately north arrow and scale.
 3. *Boundaries.* The boundary line of the tract to be developed drawn accurately to scale and with accurate linear and angular dimensions.
 4. *Location map.* A map to an appropriate scale showing the location of the development.

5. *Contours.* Contours with a minimum vertical interval of five feet referred to sea level datum shall be provided for both existing and proposed topography.
 6. *Existing property lines.*
 - (i) The location of existing and platted property lines, streets, buildings, watercourses, railroads, bridges, water mains, sewers, culverts, drain pipes and public utility easements, both on the land to be developed and on that portion of the land immediately adjoining which abuts the land to be developed, and any other pertinent characteristics of the land;
 - (ii) The names of adjoining parcels of unsubdivided land; and
 - (iii) The zoning of the property.
 7. *Proposed improvements.* The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking, recreation areas and facilities, yards and other open spaces.
 8. *Utility and drainage plans.* Utility and drainage plans shall be provided including all information required by the health, street, water and sewer and sanitation departments to determine that water, sewer, sanitary disposal and storm drainage improvements will be made and located in accordance with city and county requirements.
 9. *Buffer areas.* Location, dimensions and treatment of all required buffer, landscaped or planted area including fences.
 10. *Proposed protective covenants.* A preliminary outline of proposed protective covenants, including provisions for the organization and financing of a homeowners' association where appropriate.
 11. *Other information.* Other information required by the zoning administrator or the building inspector to ensure compliance with the provisions of this chapter.
- (4) *Approval.* All planned development projects shall be submitted to the planning commission. The planning commission may approve any site plan plat where no variance to this chapter is involved, except as provided herein. If a site plan plat includes a variance to the requirements of this chapter or if the planning commission denies approval or fails to act within 30 days of submission, the developer may request that the site plan be considered by the mayor and city council. The mayor and city council as a part of its site plan plat approval may vary, except for use or density provisions, the terms of this chapter where, in its opinion, equal performance can be obtained by means other than those specified herein. Building permits shall not be issued for structures located in a subdivision created subsequent to the adoption of the ordinance from which this chapter is derived unless a final plat of such subdivision has been approved and recorded as provided herein. In the event that no improvements are made to land approved for subdivision within two years, the planning commission may require resubmission of preliminary and final plats.

(5) *Design standards.*

- a. *Requirements of developer.* Unless otherwise stated herein, the developer of such subdivision will be required to provide all improvements described within subsection (6) of this section.
- b. *Suitability of land.* Land subject to flooding, improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential use shall not be platted for residential use nor for any other use that will continue or increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected prior to final plat approval. The developer of such subdivision will be required to conform to the requirements of the Georgia Soil Erosion and Sedimentation Act of 1975.

(6) *Improvements design.*

- a. *Lots.* Lot dimensions shall conform to the requirements set forth in section 40-87, except that residential lots where not served by a public sanitary sewer shall be no less than one acre in area or such greater area as may be required by the county health department. Residential lots served by private sanitary sewer with public water supply shall meet requirements of the county health department.
- b. *Street frontage.* Units within the subdivision which front on a street shall front only on a public street classified as a minor thoroughfare or other street, or on a private street having a pavement width of not less than 28 feet, or, if such street is designated as being one way, 20 feet.
- c. *Easements.* Except where alleys are permitted for the purpose, the developer shall provide easements across lots or centered on rear or side lot lines for utilities; such easements shall be at least 20 feet wide.
- d. *Sidewalks.* Pedestrian easements for sidewalks of at least five feet in width may be required within blocks measuring more than 800 feet in length. Pedestrian easements shall also be provided to grant access to recreation areas and school sites, when in the opinion of the planning commission, sufficient access is not provided by proposed streets. Such easements may also be used for utilities and shall be paved with a suitable permanent surface. All sidewalks are to be a minimum of four feet in width, four inches in thickness of 2,500 psi concrete, with three-foot-wide handicap ramps at intersections.
- e. *Streets.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the street and highway plans of the planning commission, the state and the city, respectively. All public streets, except marginal access streets, within subdivisions which give direct access to the residential lots shall be platted and dedicated to minimum right-of-way of 60 feet. If drainage courses for streets extend beyond the existing or proposed right-of-way, adequate drainage easements shall be dedicated. All streets dedicated to the city shall be

constructed and paved (20 feet minimum) according to the specification set forth being the state department of transportation specifications of September 15, 1977, which is hereby made a part hereof to the same extent set out in full.

- f. *Street signs.* There shall be placed at least one standard reflectorized street name sign at every intersection, and two diagonally opposed when deemed necessary by the planning commission.
- g. *Drainage facilities.* All drainage structures and facilities shall be designed and sized to meet the runoff of the drainage area which they serve. In the event curbs and gutters are placed in the subdivision, all necessary storm sewers, catchbasins, and manholes shall be built to meet state department of transportation specifications and standards.
- h. *Water systems.* Water system mains shall be installed to supply the entire subdivision. Such systems shall be designed with the approval of the city water engineer and may be connected to the city water system when property dedicated to the city. The developer shall be required to complete all underground work for such utilities including the provision of adequate service connections to each lot within the subdivision prior to the paving of such subdivision roads.
- i. *Sewerage.* When the subdivision is located within the service area of an existing public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system. Where lots cannot be economically connected with a sewerage system or where such a system cannot be feasibly developed, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the county health department. For the purpose of this section, it shall be considered economically feasible to develop a sewerage system when the total cost per lot for sanitary sewers does not exceed the cost per lot for septic tanks by more than 100 percent. In such event, a sewerage system with adequate collection sewers, servicing each lot and providing for a primary treatment facility including among other methods a properly constructed sewerage lagoon, shall be provided. All materials, equipment, labor and other matters related to the sanitary sewerage system shall be provided by the developer. When considered feasible by the city engineer, new subdivisions may connect to public sewerage with costs borne by the developer. All sewer facilities shall be installed in accordance with the standards of the state department of public health and the county health department.
- j. *Utility installation.* Public utility installation cost for gas, telephone, electrical, cable television and streetlights shall be borne by the developer or utility company. Installation shall be on street rights-of-way, specified easements or under streets prior to paving of streets.

(Ord. of 8-22-1978, § 6-6)

Secs. 40-124—40-144. Reserved.

ARTICLE V. OFF-STREET PARKING AND SERVICE REQUIREMENTS**Sec. 40-145. Scope of provisions.**

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building improvements, or use, a plot plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan. These provisions shall not apply to the C-1 and I-2 districts.

(Ord. of 8-22-1978, § 7-1)

Sec. 40-146. Parking spaces may not be reduced.

Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

(Ord. of 8-22-1978, § 7-2)

Sec. 40-147. Drainage, construction and maintenance.

All off-street parking, loading and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be constructed of materials which will ensure a surface resistant to erosion. All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly and dust-free condition.

(Ord. of 8-22-1978, § 7-3)

Sec. 40-148. Separation from walkways, sidewalks and streets.

All off-street parking, loading and service areas shall be separated from walkways, sidewalks and streets by curbing or other suitable protective device.

(Ord. of 8-22-1978, § 7-4)

Sec. 40-149. Parking areas design.

Parking stalls shall have a minimum width of 8½ feet and length of 20 feet. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least:

- (1) 24 feet wide where used with 90-degree angle parking;
- (2) 18 feet wide where used with 60-degree angle parking;
- (3) 12 feet wide where used with 45-degree parking; and
- (4) 12 feet wide where used with parallel parking;

or where there is no parking, interior driveways shall be at least ten feet wide for one-way traffic movement and at least 20 feet wide for two-way traffic movement.

(Ord. of 8-22-1978, § 7-5)

Sec. 40-150. Joint parking facilities.

Two or more neighboring uses, of the same or different types, may provide joint facilities, provided that the number of off-street parking spaces are not less than the sum of the individual requirements.

(Ord. of 8-22-1978, § 7-6)

Sec. 40-151. Pavement markings and signs.

Each off-street parking space shall be clearly marked, and pavement directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained so as to ensure their maximum efficiency.

(Ord. of 8-22-1978, § 7-7)

Sec. 40-152. Number of parking spaces.

In order to ensure a proper and uniform development of public parking areas throughout the area of jurisdiction of this chapter, to relieve traffic congestion on the streets and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the schedule set forth in this section. For any use or class of use not mentioned in this schedule, the requirements shall be the same as a similar use as mentioned herein. Parking requirements for additions to existing uses shall be based only upon the new addition even if the existing use is deficient. These regulations shall not apply to C-1 and I-2 districts.

1.	Apartment and multifamily dwelling	1½ spaces for each dwelling unit
2.	Auditorium, stadium assembly hall, gymnasium, theater, community recreation center, church	a. One space per four fixed seats in largest assembly room or area b. One space for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or combination of fixed and movable seats; or c. One space per each 150 square feet of gross floor area; whichever is greatest
3.	Automobile fueling stations	One space, in addition to service area for each pump and grease rack, plus one space for each two employees during period of greatest employment but not less than four spaces
4.	Automobile sales and repair, service stations and auto washerterias	Same as No. 3. of this table, plus one space for each 500 square feet of gross floor area of the shop or washerteria
5.	Bowling alley	Four spaces per alley plus requirement for any other use associated with the establishment such as a restaurant, etc.

6.	Club or lodge	One space for each two employees, plus one space for each 200 square feet of gross floor area within the main assembly area, plus additional spaces for other uses permitted within the premises
7.	Combined uses	Parking spaces shall be the total of the spaces required for each separate use established by this schedule
8.	Dance school	One space for each employee plus one space per 150 square feet of gross floor area, plus safe and convenient loading and unloading of students
9.	Fraternity or sorority	One parking space for each two residents and one space for each two employees
10.	Golf course	Two spaces for each hole and one space for each two employees, plus requirements for any other use associated with the golf course
11.	High schools, trade schools, colleges and universities	One space for each two teachers, employees and administrative personnel, plus safe and convenient loading of students plus five spaces for each classroom
12.	Hospital or care home	One space for each three beds, plus one space for each two employees (nurses, attendants, etc.), plus one space for each staff or visiting doctor
13.	Hotel	One space for each guestroom, suite or unit, plus one space for each two employees
14.	Indoor and outdoor recreational areas (commercial) YMCA and similar uses	a. One space for each 150 square feet of gross floor, building, ground area or combination devoted to such use; or b. One space per each four seats or facilities available for patron usage; whichever is greater
15.	Industrial or manufacturing establishment or warehouse	Two spaces for each three employees on shift of greatest employment, plus one space for each vehicle used directly in the conduct of the business
16.	Kindergarten and nursery school	One space for each employee, plus safe and convenient loading of students
17.	Motel	One space for each unit, plus one space for each two employees
18.	Office, professional building, or similar use	One space for each 200 square feet of the gross floor area, plus one space for each employee

19.	One two-family dwelling	One space per each unit, residential driveways will satisfy this need
20.	Personal service establishment	One space for each 200 square feet of gross floor area, plus one space for each employee
21.	Restaurant or place dispensing food, drink or refreshments	One space for each three seats, plus one space for each two employees on shift of greatest employment
22.	School, elementary	One space for each teacher, one space for each two employees and administrative personnel, and one for each classroom, plus safe and convenient loading and unloading of students
23.	Shopping center	One space for every 200 square feet gross floor area
24.	Swimming pool	One space for each 200 square feet of water surface area, plus requirements for additional uses in association with the establishment such as a restaurant, etc.
25.	Manufactured home community	One space for each manufactured home stall, plus one space for each two employees
26.	Retail stores of all types not mentioned otherwise	One space per 200 square feet of gross floor area
27.	Wholesale establishment	One space for each employee plus sufficient spaces to accommodate vehicles used in the conduct of the business

(Ord. of 8-22-1978, § 7-8)

Sec. 40-153. Minimum number of loading spaces required.

Industrial, wholesale, and retail operations shall provide loading space as follows:

- (1) *Spaces appropriate to functions.* Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.
- (2) *Design of loading spaces.* Off-street loading spaces shall be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free normal movement of vehicles and pedestrians on public rights-of-way.
- (3) *Ingress and egress.* Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations of the city.

(Ord. of 8-22-1978, § 7-9)

Sec. 40-154. Curb cut requirements.

Within any district where the lowering or cutting away of curbs for purposes of ingress and egress is required, such curb cut shall be subject to the following provisions:

- (1) No more than two combined entrances and exits shall be allowed any parcel of property, the frontage of which is less than 200 feet on any one street. Additional entrances or exits for parcels of property having a frontage in excess of 200 feet shall be permitted after showing of actual requirements of convenience and necessity and upon approval of the planning commission. Where frontage is 50 feet or less, only one combined entrance-exit shall be permitted.
 - (2) At street intersections, no curb cut shall be located within 25 feet of the intersection of two curblines or such lines extended, or within 15 feet of the intersection of two property lines or such lines extended, whichever is least restrictive.
 - (3) The distance between any two curb cuts on the same side of the street shall be not less than ten feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curbline of the abutting street.
 - (4) All driveways shall be constructed so as to be at least five feet from any property lines, except that a curb return may become tangent to a curbline at a point where said property line extended intersects said curbline.
 - (5) The maximum width of any driveway shall not exceed 35 feet measured at the right-of-way line.
 - (6) The maximum width of any curb cut including curb returns shall not exceed 50 feet.
 - (7) The sum of the two curb return radii for any one curb cut shall not exceed 15 feet.
- (Ord. of 8-22-1978, § 7-10)

Secs. 40-155—40-176. Reserved.**ARTICLE VI. SIGN REGULATIONS****Sec. 40-177. Signs shall meet requirements of this article.**

All signs within the city shall be erected, constructed, or maintained in accordance with the provisions of this article and applicable sections of the adopted building code and only those signs that are permitted by these ordinances shall be erected in the city.

(Ord. of 8-22-1978, § 8-1)

Sec. 40-178. No signs shall hamper traffic safety.

No sign shall be erected or continued that:

- (1) Obstructs the sight distance along a public right-of-way;

- (2) Would tend by its location, color, or nature, to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle;
 - (3) Would by its nature or moving parts tend to confuse traffic or create any potential hazard to traffic;
 - (4) Uses of admonitions such as "stop," "go," "slow," "danger," etc., which might be confused with traffic directional signals.
- (Ord. of 8-22-1978, § 8-2)

Sec. 40-179. Locations prohibited.

No sign, other than a city street sign, shall be attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock or other natural object. Except in the C-1 district, no signs other than those signs erected by public governmental agencies, or signs required by law, shall be placed so as to overhang any portion of public rights-of-way or other public properties.

(Ord. of 8-22-1978, § 8-3)

Sec. 40-180. Illumination not to be a nuisance.

Illumination devices such as, but not limited to, floodlights or spotlights shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighboring dwellings and approaching vehicles.

(Ord. of 8-22-1978, § 8-4)

Sec. 40-181. Signs not requiring a permit.

The following signs shall not require a permit:

- (1) Signs to regulate traffic.
 - (2) Signs required to be posted by law.
 - (3) Warning signs and no trespassing signs.
 - (4) Signs established by governmental agencies.
 - (5) Signs indicating bus stops, taxi stands, and similar transportation facilities.
 - (6) Signs not exceeding ten square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
 - (7) Temporary real estate signs less than ten square feet in area advertising specific property for sale, lease, rent or development, on private property.
 - (8) Temporary signs on private land involved in campaigns of religious, charitable, civic, fraternal, political and similar organizations.
- (Ord. of 8-22-1978, § 8-5)

Sec. 40-182. Maximum area of signs.

No freestanding sign shall be larger in area than 750 square feet.
(Ord. of 8-22-1978, § 8-6)

Sec. 40-183. Issuance of permits, administration and filing procedure.

(a) *Issuance of permits.* No sign, except those listed in section 40-181 shall be erected, hung, or placed or structurally altered without a permit from the zoning administrator. The zoning administrator shall only issue a permit for the erection or construction of a sign which meets the requirements of this article and applicable sections of the adopted building code.

(b) *Filing procedure.* Application for permits to erect, hang, or place a sign shall be submitted on forms obtainable from the zoning administrator. Each application shall be accompanied by plans showing:

- (1) The area of the sign, size, character, method of illumination;
- (2) The exact location proposed for such sign; and
- (3) In the case of a projecting sign:
 - a. The proposed method of fastening said sign to the building structure;
 - b. The vertical distance between such sign and the finished grade; and
 - c. The horizontal distance between such sign and the street right-of-way line.

(c) *Additional information.* Each applicant shall, upon the request of the zoning administrator, submit any additional information deemed necessary by said administrator.

(d) *Temporary signs.* If a temporary sign which does require a permit is not intended to be left in place for a period to exceed six months, the owner may deposit a sum of \$10.00 with the zoning administrator in lieu of the usual permit fee. If the sign is removed by the owner before the first day of the seventh month, the deposit shall be refunded in full; if not, the deposit shall be forfeited and the zoning administrator shall remove said sign.

(Ord. of 8-22-1978, § 8-7)

Secs. 40-184—40-204. Reserved.**ARTICLE VII. NONCONFORMANCES****Sec. 40-205. Nonconforming lots.**

Any lot for which a plat or legal description has been recorded in the office of the clerk of superior court of the county at the time of passage of the ordinance from which this chapter is

derived which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the uses permitted a conforming use, may have the structure improved, enlarged or extended, provided that in either case:

- (1) Minimum requirements of the district for front, side and rear yard, height and floor area shall be complied with;
 - (2) The lot be used for duplexes or multifamily dwellings when allowed within the district only if the lot meets the minimum lot area requirements for those uses in the district; and
 - (3) The requirements of section 40-22 are met.
- (Ord. of 8-22-1978, § 9-1)

Sec. 40-206. Nonconforming open uses of land.

Nonconforming uses consisting of lots used for storage yards, used car lots, auto wrecking, junkyards, golf driving ranges and similar open uses, where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter under this chapter in the district in which it is located, shall be governed by the following restrictions in addition to the other requirements in this chapter:

- (1) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use;
 - (2) Nonconforming open uses of land shall not be changed to any but conforming uses;
 - (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming;
 - (4) When any nonconforming open use of land is discontinued for a period in excess of six months, any future use of the land shall be limited to those uses permitted in that district under the provisions of this chapter. Vacancy and/or nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.
- (Ord. of 8-22-1978, § 9-2)

Sec. 40-207. Nonconforming uses of structures.

Nonconforming uses consisting of structures used, at the time of passage of the ordinance from which this chapter is derived, for purposes not permitted in the district in which they are located shall in addition to the other requirements of this chapter be governed by the following restrictions:

- (1) An existing nonconforming use of a structure may not be changed to another nonconforming use.
- (2) A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which at the time the use became nonconforming were

already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area or volume of space occupied by the use.

- (3) When any nonconforming use of a structure is discontinued for a period in excess of one year, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this chapter. Vacancy and/or nonuse of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(Ord. of 8-22-1978, § 9-3)

Sec. 40-208. Nonconforming signs.

Nonconforming signs shall be allowed to continue except as provided in sections 40-178 and 40-180, and as follows:

- (1) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or demountable material on nonconforming signs shall be permitted.
- (2) Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, neon tubing repairs shall be permitted. However, no structural repairs or changes in the size or shape of a sign shall be permitted except to make the sign comply with the requirements of this chapter.
- (3) New point of business signs related to legally established nonconforming uses may be erected provided they comply with the sign regulations applicable to the use in the most restrictive district in which the use is permitted.

(Ord. of 8-22-1978, § 9-4)

Sec. 40-209. Reconstruction of nonconforming structures.

When a nonconforming structure containing a nonconforming use or a nonconforming sign is razed or damaged by fire, flood, wind, or act of God, such structure or sign may be constructed as a nonconforming use only if reconstruction or replacement is started within six months of the occurrence of the razing or damage. Structures which do not conform to the yard requirements of this chapter shall be governed by this provision.

(Ord. of 8-22-1978, § 9-5)

Sec. 40-210. Changes in zoning.

Any nonconformances created by a change in district boundaries or ordinance regulations after the date of passage of the ordinance from which this chapter is derived shall also be governed by the provisions of section 40-205.

(Ord. of 8-22-1978, § 9-6)

Secs. 40-211—40-228. Reserved.

ARTICLE VIII. ADMINISTRATION, ENFORCEMENT AND PENALTIES

Sec. 40-229. Intent.

The intent of this article is to:

- (1) Provide for suitable and proper administration and enforcement of the provisions of this chapter;
 - (2) Designate the enforcing officer;
 - (3) Outline the proper steps to be taken by parties interested in constructing, erecting or modifying a structure or other land use; and
 - (4) Set forth the penalties for violating the provisions of this chapter.
- (Ord. of 8-22-1978, art. X (intro.))

Sec. 40-230. Zoning enforcement officer.

The building inspector is hereby appointed as the zoning administrator and it shall be his duty to administer and to enforce this chapter. The building inspector shall keep records of all and any permits, the certificates of occupancy issued, and all submitted subdivision plats, with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as a public record. The building inspector does not have the authority to take final action on applications or matters involving variances, nonconforming uses, or other exceptions which these regulations have reserved for public hearings.

(Ord. of 8-22-1978, § 10-1)

Sec. 40-231. Building permit required.

A building permit, or a sign permit in case of a sign, issued by the zoning administrator is required in advance of the initiation of construction, erection, moving, or alteration of any building or structure or sign. No building permit or sign permit shall be issued except in conformity with the provisions of this chapter; however, a building permit issued before the adoption of the ordinance from which this chapter is derived shall remain valid with the same qualifications as issued under this chapter.

(Ord. of 8-22-1978, § 10-2)

Sec. 40-232. Application for building permit.

(a) All applications for building permits shall be accompanied by a plat or plan in duplicate, drawn to scale showing:

- (1) The actual dimensions of the lot to be built upon;
- (2) The size of the building to be erected;
- (3) The location of the building on the lot;
- (4) The size and location of the lot;

- (5) The number of dwelling units the building is designed to accommodate;
- (6) The setback lines of buildings on adjoining lots and such other information as may be essential for determining whether the provisions of this chapter are being observed.

(b) Any building permit shall become void if the work involved has not begun within six months after the date of issuance of the permit, or if the work or development authorized by such permit is suspended or abandoned for a period of six months after the work or development is commenced; provided that extensions of time for periods not exceeding six months each may be allowed in writing by the zoning administrator.

(c) The applicant for a building permit shall submit a certificate with his application which certifies that the lot which he proposes to develop is a lot of record. When the lot in question does not meet the lot width and lot area requirements of this chapter, then the applicant shall certify that such lot was a lot of record prior to the adoption of the ordinance from which this chapter is derived or is a lot which has been created through governmental taking of property.

(d) Building permits issued by the zoning administrator will identify buildings by assigning a street identification number. House street numbers of residential, commercial, and industrial buildings will display street identification numbers of at least three inches in height, that are visible from the facing street. (See article VI of this chapter.)

(Ord. of 8-22-1978, § 10-3)

Sec. 40-233. Sign permits.

The zoning administrator shall receive applications for the construction of signs, as required by this chapter. Such applications shall follow the same forms as required for building permits, and shall contain information required by article VI of this chapter. The zoning administrator shall process such sign applications and shall issue sign permits and sign permit numbers for proposed signs which comply with the requirements of this chapter.

(Ord. of 8-22-1978, § 10-4)

Sec. 40-234. Certificate of occupancy.

Certificate of occupancy shall be issued by the zoning administrator in accordance with the following provisions:

- (1) *Required for occupancy or use.* Certificate of occupancy issued by the zoning administrator is required in advance of occupancy or use of:
 - a. A building hereafter erected.
 - b. A building hereafter altered so as to affect height, the side, front or rear yard.
 - c. Any building or premises where a change in the type of occupancy or use will occur.
- (2) *Issuance.* Upon payment of any required fees, the zoning administrator shall sign and issue a certificate if the proposed use of land or building as stated on the certificate of occupancy is signed thereto by the owner or his appointed agent and is found to

conform to the applicable provisions of this chapter, and if the building, as finally constructed, complies with the sketch or plan submitted and approved for the building permit. One copy of all certificates of occupancy issued which contain a statement of the intended use of the applicable property, floor loads, and other pertinent information, signed by the owner or his agent, shall be kept on file in the office of the zoning administrator.

- (3) *Denial.* A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter, and the structure conforms with the applicable provisions of the building code and complies with the sketches or plans submitted for obtaining the building permit.

(Ord. of 8-22-1978, § 10-5)

Sec. 40-235. Penalties for violation.

(a) Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25.00 or more than \$100.00 for each offense.

(b) Each day such violation continues shall constitute a separate offense.

(Ord. of 8-22-1978, § 10-6)

Sec. 40-236. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this chapter, the zoning administrator or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent the violation in the case of such buildings, structure or land.

(Ord. of 8-22-1978, § 10-7)

Secs. 40-237—40-265. Reserved.

ARTICLE IX. APPEAL PROCEDURE

Sec. 40-266. Purpose.

This article is established to identify the procedure whereby any aggrieved party may appeal the decision of the zoning administrator.

(Ord. of 8-22-1978, art. XI (intro.))

Sec. 40-267. Who may appeal.

Any party aggrieved because of the alleged error in any order, requirement, decision, or determination made by the zoning administrator may appeal such action to the mayor and city council. Such appeal shall be filed no later than 30 days after the date of notification of the decision appealed from by filing with the zoning administrator and with the mayor and city

council and city clerk's office, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the mayor and the city council all the papers constituting the record upon which the action appealed from was taken.

(Ord. of 8-22-1978, § 11-1)

Sec. 40-268. Presentation of evidence.

The appellant, and any public agency or private individual shall be entitled to present evidence on matters before the mayor and city council, and the mayor and city council may request technical service, advice, data or factual evidence from the planning commission for assistance in reaching decisions.

(Ord. of 8-22-1978, § 11-2)

Sec. 40-269. Decision by mayor and city council.

The mayor and city council may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the zoning administrator, and to that end shall have all the powers of the zoning administrator.

(Ord. of 8-22-1978, § 11-3)

Sec. 40-270. Appeal of decision by mayor and city council.

(a) Any party aggrieved by the decision of the mayor and city council may seek review of such decision by a court of record as provided by state law.

(b) The appeal of the decision of the mayor and city council must be filed within 30 days from the date of decision of the mayor and city council. Upon failure to file the appeal within 30 days, the decision of the mayor and city council shall be final.

(Ord. of 8-22-1978, § 11-4)

Secs. 40-271—40-288. Reserved.

ARTICLE X. AMENDMENTS

Sec. 40-289. General conditions.

(a) These regulations, including the zoning map, may be amended by the city council on:

- (1) Its own motion;
- (2) Petition; or
- (3) Recommendation of the planning commission;

but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission for review and recommendation.

(b) A public hearing shall be held on any such amendment before becoming effective.
(Ord. of 8-22-1978, § 12-1)

Sec. 40-290. Application for amendment.

(a) *Generally.* Applications for amendment of this chapter may be in the form of proposals for amendment of the text of this chapter or proposals for amendment of the zoning map. Applications for amendment shall be submitted to the zoning administrator and shall include a \$25.00 fee, payable to the city, to defray expenses. Any application for a zoning amendment which is denied by the city council shall not be reconsidered for one year after said denial unless the city council agrees by a two-thirds vote of members present to rehear the petition.

(b) *Signature of applicant required.* All applications shall be signed by the applicant, and shall state his name and address.

(c) *Application for text amendment.* In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

(d) *Application for zoning map amendment.* An application for a zoning map amendment shall include the following information:

- (1) The area in which the lot proposed to be reclassified is located and the street number, if any, or if none, the location with respect to the nearby public streets in common use;
- (2) A plat of the lot in question, or a description by metes and bounds, bearings, and distances of the lot, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of the county, then the lot, block and subdivision designations with appropriate plat reference;
- (3) The present zoning classification and the classification proposed for such lot;
- (4) The type and size of structures to be constructed and the specific use of the structure;
- (5) The name and address of the owners of the land;
- (6) The area of the land proposed to be reclassified stated in square feet if less than one acre, and in acres if one or more; and
- (7) The application number, date of application, and action taken on all prior applications filed for the reclassification of the whole part of the land proposed to be reclassified.

(e) *Referral to planning commission.* Within five days after acceptance of any application for amendment, the zoning administrator shall transmit two copies thereof to the planning commission for its review and recommendation. The planning commission shall have a 30-day period within which to submit its report to the city council. If the planning commission fails to submit a report within a 30-day period, it shall be deemed to have approved the requested change or departure.

(f) *Hearing procedure.*

- (1) *Hearing called.* Before taking action on proposed amendment, the city council, or if authorized by resolution the planning commission, shall hold a public hearing thereon.

At least 15 days' notice shall be given of the time and place of said hearing in at least two consecutive issues of the newspaper used as the official legal organ of the city. Such notice shall state the application number, and shall contain a summary of the proposed amendment, if a text amendment. In the case of a map amendment, the location of the property, its area, name of owner and the proposed change shall be stated.

- (2) *Notice of interested parties.* A notice of the date, time and place of hearing shall be sent by the zoning administrator by mail to the applicant and the planning commission. All application files shall be placed in the custody of the zoning administrator, and shall be open to the public inspection during regular office hours.

(g) *Posting of property.*

- (1) *Erection of sign.* Within three days after acceptance of the filing of a petition for a change in zoning, the applicant shall at his expense cause to be erected in a conspicuous place on the property in question a sign of not less than nine square feet, with not less than three-inch black letters upon a white background which shall read as follows:

Notice to the Public

A petition has been filed requesting that this property be changed from (insert present district name) to (insert district requested). A public hearing will be held at (insert place) on (date) at (time).

- (2) *Removal of sign.* Any such sign shall be maintained at all times by the applicant until a decision on the application has been made public by the city council, and then shall be removed by the applicant unless a reconsideration shall have been applied for, in which event such sign shall remain until after the disposition of the application for reconsideration has been made by the governing authority.
- (Ord. of 8-22-1978, § 12-2)

Secs. 40-291—40-313. Reserved.

ARTICLE XI. LEGAL STATUS PROVISIONS

Sec. 40-314. Purpose.

This article is established to present the legal status of this chapter and to resolve differences and conflicts between this chapter and other ordinances.

(Ord. of 8-22-1978, art. XIII (intro.))

Sec. 40-315. Conflict with other laws.

Whenever the regulations of this chapter require a greater width or size of yards, or impose other more restrictive standards than are required in or under any other statute, the requirements of this chapter shall govern. Whenever the provisions of any other statute

require more restrictive standards than are required by this chapter, the provisions of such statute shall govern. All ordinances and parts of ordinances in conflict with this chapter are herewith repealed.

(Ord. of 8-22-1978, § 13-1)

Sec. 40-316. Separability.

Should any article or provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this chapter as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

(Ord. of 8-22-1978, § 13-2)

**A. Rates, Fees
and Charges**

Appendix A

RATES, FEES AND CHARGES

(RESERVED)

CODE COMPARATIVE TABLE

ORDINANCES

This is a chronological listing of the ordinances of the city used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in the table.

Ordinance Date	Section	Section this Code
8-22-1978(Ord.)	1-1—1-4 art. II 3-1—3-20 4-1—4-3 5-1, 5-2 6-1—6-6 7-1—7-10 8-1—8-7 9-1—9-6 art. X (intro.) 10-1—10-7 art. XI (intro.) 11-1—11-4 12-1, 12-2 art. XIII (intro.) 13-1, 13-2	40-1—40-4 40-5 40-6—40-25 40-54—40-56 40-86, 40-87 40-118— 40-123 40-145— 40-154 40-177— 40-183 40-205— 40-210 40-229 40-230— 40-236 40-266 40-267— 40-270 40-289, 40-290 40-314 40-315, 40-316
9-10-1990(Ord.)	1—3	14-21—14-23
12-19-1996(Ord.)		4-22, 4-23
10-11-2004(Ord.)		38-2
6-13-2005(Ord.)		24-1—24-4
2-13-2006(Ord.)	I, II III—VI art. VII VIII, IX	14-106, 14-107 14-109— 14-112 14-108 14-113, 14-114
7-21-2006(Ord.)	II III—VI VII	20-1 20-3—20-6 20-2

CODE

Ordinance Date	Section	Section this Code
7- 9-2007(Ord.)	2—5	20-31—20-34
7-14-2008(Ord.)	1, II	14-46, 14-47
	art. 2	14-76—14-81
	III, IV	14-49, 14-50
	V	14-48
	VI	14-51
7-12-2010(Ord.)	art. 1, § C	18-1
	art. 2, § A—	18-2—18-9
	art. 2, § H	
	art. 3, § A—	18-37—18-39
	art. 3, § C	
	art. 4, § A—	18-67—18-73
	art. 4, § G	
	art. 5	18-74
1-14-2013(Ord.)		38-45—38-54

STATE LAW REFERENCE TABLE

This table shows the location within this Charter and Code, either in the text or notes following the text, of references to the Official Code of Georgia Annotated (O.C.G.A.).

O.C.G.A. Section	Section this Code	O.C.G.A. Section	Section this Code
1-1-3	1-5	12-7-7(e)	14-112
1-1-7	1-3	12-7-7.1	14-109
1-3-1	1-2	12-7-8(a)	14-107
	1-13		14-111,
1-3-1 et seq.	1-2		14-112
1-3-2,		12-7-17(9)	14-111
1-3-3	1-2	12-7-17(10)	14-111
1-3-3	14-109	12-7-19	14-107
1-4-1	1-2	12-7-20	14-111
ch. 2	Char. § 5.10		14-113
	Char. § 5.14	12-8-20 et seq.	Ch. 28
	Char. § 5.15	ch. 14	Char. § 2.14
2-10-105	10-24	15-18-22	2-26
3-1-1 et seq.	Ch. 4	15-18-96	2-25
3-4-49	Ch. 4	tit. 16, ch. 13	24-2
4-8-1 et seq.	Ch. 6	tit. 16, ch. 13,	
4-11-1 et seq.	Ch. 6	art. 2	8-53
5-3-29	8-58	16-7-25	Ch. 30
5-4-1	18-74	16-7-40 et seq.	Ch. 28
tit. 8,		16-7-51	28-25
ch. 2	8-53	16-11-43	Ch. 30
8-2-1 et seq.	Ch. 8	tit. 22	Char. § 1.13
8-2-20 et seq.	8-22	tit. 25, ch. 2	8-53
8-2-20(9)	8-21	32-4-90 et seq.	Ch. 30
8-2-25,		32-4-92	Ch. 30
8-2-26	Ch. 8	32-6-1 et seq.	Ch. 30
8-2-130 et seq.	Ch. 8,	33-8-8	10-23
	Art. IV	33-8-8(b)(1)	10-23
8-2-160 et seq.	8-85	ch. 35	Char. § 2.10
9-11-6	1-2	36-1-16	Ch. 28
12-2-8	14-110	36-3-1 et seq.	Ch. 2
12-4-72	14-109	36-18-1	14-109
12-5-20 et seq.	14-107	36-30-10	Ch. 30
12-5-23(a)(5)	14-111	36-34-1 et seq.	Ch. 2
12-5-30(f)	14-107	36-34-2	Ch. 2
	14-110	36-34-3	Ch. 30
12-5-440 et seq.	14-107	36-35-3	Ch. 1
12-7-1 et seq.	14-110	36-35-6(a)(5)	Ch. 10
12-7-6	14-109	36-60-1 et seq.	Ch. 2
12-7-6(b)	14-107	36-60-13	Char. § 6.22
	14-110	36-64-1 et seq.	Ch. 26

CODE

O.C.G.A. Section	Section this Code
36-66-1 et seq.	Ch. 40
36-66-2(k)	Ch. 40
36-71-2(8)	10-20
36-80-1 et seq.	Ch. 2
36-91-22(e)	12-4
38-3-1 et seq.	Ch. 12
38-3-4,	
38-3-5	12-3
38-3-56	12-5
40-1-1	36-1
40-6-2—	
40-6-395	36-1
40-6-183	Ch. 36
40-6-249	Ch. 28
40-6-370 et seq.	Ch. 36
40-6-372—	
40-6-376	36-1
40-13-21(a)	Ch. 36
tit. 43	10-25
tit. 43, ch. 34	10-20
tit. 43, ch. 39A	8-58
44-10-1—	
44-10-5	20-3
44-14-411,	
44-14-412	22-3
tit. 45	Char. § 2.12
	Char. § 5.16
tit. 46, ch. 3	10-24
46-7-15	10-24
tit. 48	Char. § 1.13
48-2-40	10-29
48-3-9	8-53
48-4-5	8-58
48-4-80,	
48-4-81	8-58
48-5-355,	
48-5-356	10-24
48-5-440 et seq.	Ch. 8,
	Art. IV
48-5-492	Ch. 8,
	Art. IV
48-6-93	10-24
48-13-5 et seq.	Ch. 10
48-13-7	10-19
48-13-9(c)	10-22
50-14-1	Char. § 2.19
	Char. § 2.24
5.14	Char. § 2.12

CHARTER INDEX

	Section
A	
ABATEMENT	
Incorporation and powers	
Specific power	
Hazards, public; removal	1.13(26)
ADMINISTRATIVE AFFAIRS	
Administrative and service departments	3.10
Boards, commissions, and authorities.....	3.11
City attorney.....	3.12
City clerk	3.13
Officers and employees	
City attorney	3.12
City clerk	3.13
Personnel policies	3.15
Position classification and pay plans	3.14
Personnel policies	3.15
Position classification and pay plans.....	3.14
AGENCIES. See: DEPARTMENTS AND OTHER AGENCIES OF CITY	
AGREEMENTS. See: CONTRACTS AND AGREEMENTS	
ALCOHOLIC BEVERAGES	
Incorporation and powers	
Specific power	
Alcoholic beverages.....	1.13(2)
ANIMALS	
Incorporation and powers	
Specific power	
Animal regulations.....	1.13(1)
ASSESSMENTS	
Finance	
Special assessments	6.16
Incorporation and powers	
Specific power	
Special assessments.....	1.13(37)
AUDITS	
Finance	
Independent audit	6.30
B	
BENEFITS, COMPENSATION AND SALARIES	
Administrative affairs	
Position classification and pay plans	3.14
Government structure	
Compensation and expenses	2.13
Election of mayor; forfeiture; compensation	2.27

TENNILLE CODE OF ORDINANCES

	Section
BOARDS, COMMISSIONS AND COMMITTEES	
Administrative affairs	
Boards, commissions, and authorities	3.11
BONDS, SURETY OR PERFORMANCE	
Bonds for officials.....	7.10
BUDGET	
Finance	6.24 et seq.
See: FINANCE	
BUILDINGS AND BUILDING REGULATIONS	
Incorporation and powers	
Specific power	
Building regulation.....	1.13(4)
BUSINESSES AND BUSINESS REGULATIONS	
Finance	
Occupation and business taxes.....	6.12
Government structure	
Holding other offices; voting when financially interested .	2.14
Incorporation and powers	1.13 et seq.
See: INCORPORATION AND POWERS	
C	
CHARGES, FEES AND RATES	
Finance	6.11 et seq.
See: FINANCE	
Incorporation and powers	
Specific power	
Garbage fees	1.13(11)
Sewer fees	1.13(34)
CHARTER	
Bonds for officials.....	7.10
Construction	7.14
Existing ordinances, resolutions, rules, and regulations.....	7.11
General repealer.....	7.17
Pending matters.....	7.13
Personnel and officers, existing.....	7.12
Repealer	7.16
Severability	7.15
CITY	
Incorporation and powers	
Name.....	1.10
CITY ATTORNEY	
Administrative affairs	
City attorney	3.12
CITY CLERK. See: CLERK	

CHARTER INDEX

	Section
CITY COUNCIL	
City council election districts. See Appendix A	
Finance	
Action by city council on budget	6.26
Submission of operating budget to city council.....	6.25
Government structure	2.1 et seq.
See: GOVERNMENT STRUCTURE	
CITY COUNCIL ELECTION DISTRICTS. See Appendix A	
CLERK	
Administrative affairs	
City clerk	3.13
CODES	
Government structure	
Codes of technical regulations.....	2.25
Signing; authenticating; recording; codification; printing .	2.26
COMMISSIONS. See: BOARDS, COMMISSIONS AND COMMITTEES	
COMMITTEES. See: BOARDS, COMMISSIONS AND COMMITTEES	
CONTRACTS AND AGREEMENTS	
Finance	
Contracting procedures.....	6.31
Lease-purchase contracts	6.22
Government structure	
Holding other offices; voting when financially interested .	2.14
Incorporation and powers	
Specific power	
Contracts	1.13(7)
COURTS	
Judicial branch	4.10 et seq.
See: JUDICIAL BRANCH	
D	
DEPARTMENTS AND OTHER AGENCIES OF CITY	
Administrative affairs	
Administrative and service departments.....	3.10
Incorporation and powers	
Specific power	
Municipal agencies and delegation of power	1.13(17)
E	
ELECTIONS AND REMOVAL	
Applicability of general law	5.10
City council election districts. See Appendix A	
Election by majority.....	5.13

TENNILLE CODE OF ORDINANCES

	Section
ELECTIONS AND REMOVAL (Cont'd.)	
Government structure	2.10 et seq.
See: GOVERNMENT STRUCTURE	
Nonpartisan elections.....	5.12
Other provisions.....	5.15
Regular elections; time for holding.....	5.11
Removal of officers	5.16
Special elections; vacancies	5.14
EMERGENCIES	
Government structure	
Emergencies	2.24
Incorporation and powers	
Specific power	
Emergencies	1.13(8)
ENVIRONMENT	
Incorporation and powers	
Specific power	
Environmental protection	1.13(9)
F	
FINANCE	
Action by city council on budget.....	6.26
Budget	
Action by city council on budget	6.26
Capital budget	6.29
Preparation of budget	6.24
Submission of operating budget to city council.....	6.25
Capital budget	6.29
Centralized purchasing.....	6.32
Changes in appropriations	6.28
Charges, fees and rates	
Collection of delinquent taxes and fees.....	6.18
Millage rate; due dates; payment methods	6.11
Regulatory fees; permits	6.13
Service charges; user fees.....	6.15
Collection of delinquent taxes and fees	6.18
Construction; other taxes.....	6.17
Contracting procedures	6.31
Fiscal year	6.23
Franchises.....	6.14
General obligation bonds	6.19
Government structure	
Compensation and expenses	2.13
Holding other offices; voting when financially interested .	2.14
Incorporation and powers	
Specific power	
Appropriations and expenditures.....	1.13(3)
Independent audit.....	6.30

CHARTER INDEX

	Section
FINANCE (Cont'd.)	
Lease-purchase contracts	6.22
Levy of taxes	6.27
Millage rate; due dates; payment methods	6.11
Occupation and business taxes	6.12
Preparation of budget	6.24
Property tax	6.10
Regulatory fees; permits	6.13
Revenue bonds	6.20
Sale and lease of city property	6.33
Service charges; user fees	6.15
Short-term loans	6.21
Special assessments	6.16
Submission of operating budget to city council	6.25
Taxation	
Collection of delinquent taxes and fees	6.18
Construction; other taxes	6.17
Levy of taxes	6.27
Millage rate; due dates; payment methods	6.11
Occupation and business taxes	6.12
Property tax	6.10
FINES, FORFEITURES AND OTHER PENALTIES	
Government structure	
Election of mayor; forfeiture; compensation	2.27
Holding other offices; voting when financially interested	
Penalties for violation	2.14(h)
Incorporation and powers	
Specific power	
Penalties	1.13(23)
FIRE PREVENTION AND PROTECTION	
Incorporation and powers	
Specific power	
Fire regulations	1.13(10)
Police and fire protection	1.13(25)
FRANCHISES	
Finance	
Franchises	6.14
G	
GARBAGE AND REFUSE	
Incorporation and powers	
Specific power	
Garbage fees	1.13(11)
Solid waste disposal	1.13(35)
GEORGIA, STATE OF. See: STATE	
GOVERNMENT STRUCTURE	
Action requiring an ordinance	2.23

TENNILLE CODE OF ORDINANCES

	Section
GOVERNMENT STRUCTURE (Cont'd.)	
City councilmembers; terms and qualifications for office	2.11
Codes of technical regulations	2.25
Compensation and expenses	2.13
Creation, city council; number; election districts	2.10
Election of mayor; forfeiture; compensation	2.27
Elections and removal	
Creation, city council; number; election districts.....	2.10
Election of mayor; forfeiture; compensation	2.27
Holding other offices; voting when financially interested	
Ineligibility of elected official.....	2.14(f)
Emergencies	2.24
Eminent domain.....	2.17
General power and authority of the city council.....	2.16
Holding other offices; voting when financially interested	2.14
Conflict of interest	2.14(b)
Contracts voidable and rescindable.....	2.14(e)
Disclosure.....	2.14(c)
Fiduciary capacity	2.14(a)
Ineligibility of elected official	2.14(f)
Penalties for violation	2.14(h)
Political activities of certain officers and employees	2.14(g)
Use of public property.....	2.14(d)
Inquiries and investigations	2.15
Limitation on terms of service	2.30
Mayor	
Election of mayor; forfeiture; compensation	2.27
Mayor pro tempore; selection; duties	2.28
Powers and duties of mayor	2.29
Submission of ordinances to the mayor	2.31
Mayor pro tempore; selection; duties.....	2.28
Ordinance and resolution form; procedures	2.22
Ordinances, resolutions, etc.	
Action requiring an ordinance.....	2.23
Ordinance and resolution form; procedures.....	2.22
Submission of ordinances to the mayor	2.31
Organizational meetings.....	2.18
Powers and duties of mayor.....	2.29
Quorum; voting	2.21
Regular and special meetings.....	2.19
Rules of procedure.....	2.20
Signing; authenticating; recording; codification; printing....	2.26
Submission of ordinances to the mayor.....	2.31
Vacancy; filling of vacancies	2.12
Applicability	2.12(c)
Filling of vacancies	2.12(b)
Vacancies.....	2.12(a)

CHARTER INDEX

	Section
H	
HAZARDS, HAZARDOUS	
Incorporation and powers	
Specific power	
Hazards, public; removal	1.13(26)
HEALTH AND SANITATION	
Incorporation and powers	
Specific power	
General health, safety, and welfare	1.13(12)
Health and sanitation.....	1.13(14)
HOURS	
Elections and removal	
Regular elections; time for holding	5.11
I	
INCORPORATION AND POWERS	
Businesses and business regulations	
Specific power. See herein that subject	
Corporate boundaries	1.11
Exercise of powers.....	1.14
Name	1.10
Powers and construction.....	1.12
Property	
Specific power. See herein that subject	
Specific power.....	1.13
Alcoholic beverages	1.13(2)
Animal regulations	1.13(1)
Appropriations and expenditures	1.13(3)
Building regulation	1.13(4)
Business regulation and taxation	1.13(5)
Businesses and business regulations	
Alcoholic beverages.....	1.13(2)
Business regulation and taxation.....	1.13(5)
Taxicabs	1.13(40)
Condemnation.....	1.13(6)
Contracts.....	1.13(7)
Debts, municipal.....	1.13(18)
Emergencies	1.13(8)
Environmental protection.....	1.13(9)
Fire regulations	1.13(10)
Garbage fees.....	1.13(11)
General health, safety, and welfare.....	1.13(12)
Gifts	1.13(13)
Hazards, public; removal.....	1.13(26)
Health and sanitation	1.13(14)
Improvements, public	1.13(27)
Jail sentences	1.13(15)
Motor vehicles.....	1.13(16)

TENNILLE CODE OF ORDINANCES

	Section
INCORPORATION AND POWERS (Cont'd.)	
Municipal agencies and delegation of power	1.13(17)
Nuisance	1.13(22)
Other powers	1.13(42)
Ownership, municipal property	1.13(19)
Peace, public.....	1.13(28)
Penalties	1.13(23)
Planning and land development regulation[s]	1.13(24)
Police and fire protection.....	1.13(25)
Property	
Ownership, municipal property	1.13(19)
Protection, municipal property.....	1.13(20)
Taxes	
Ad valorem	1.13(38)
Protection, municipal property	1.13(20)
Public utilities and services.....	1.13(30)
Regulation of roadside areas	1.13(31)
Retirement.....	1.13(32)
Roadways	1.13(33)
Sewer fees	1.13(34)
Solid waste disposal	1.13(35)
Special areas of public regulation.....	1.13(36)
Special assessments	1.13(37)
Taxes	
Ad valorem	1.13(38)
Other.....	1.13(39)
Taxicabs.....	1.13(40)
Transportation, public.....	1.13(29)
Urban redevelopment	1.13(41)
Utilities, municipal	1.13(21)
INVESTIGATIONS	
Government structure	
Inquiries and investigations	2.15

J

JAILS

Incorporation and powers	
Specific power	
Jail sentences	1.13(15)

JUDICIAL BRANCH

Certiorari.....	4.14
Chief judge; associate judge	4.11
Convening	4.12
Creation; name	4.10
Jurisdiction; powers.....	4.13
Rules for court	4.15

CHARTER INDEX

	Section
L	
LAW ENFORCEMENT	
Incorporation and powers	
Specific power	
Police and fire protection	1.13(25)
LICENSES AND PERMITS	
Finance	
Regulatory fees; permits	6.13
M	
MAYOR	
Government structure	2.27 et seq.
See: GOVERNMENT STRUCTURE	
MOTOR VEHICLES	
Incorporation and powers	
Specific power	
Motor vehicles	1.13(16)
Taxicabs	1.13(40)
MUNICIPAL COURT	
Judicial branch	
Creation; name	4.10
Rules for court	4.15
N	
NUISANCES	
Incorporation and powers	
Specific power	
Nuisance.....	1.13(22)
NUMBER, NUMBERING	
Government structure	
Creation, city council; number; election districts.....	2.10
O	
OFFICERS AND EMPLOYEES	
Administrative affairs.....	3.12 et seq.
See: ADMINISTRATIVE AFFAIRS	
Bonds for officials.....	7.10
Government structure	
Holding other offices; voting when financially interested	
Ineligibility of elected official.....	2.14(f)
Political activities of certain officers and employees.....	2.14(g)
Judicial branch	
Chief judge; associate judge	4.11
Personnel and officers, existing	7.12

TENNILLE CODE OF ORDINANCES

	Section
ORDINANCES, RESOLUTIONS, ETC.	
Existing ordinances, resolutions, rules, and regulations.....	7.11
Government structure	2.22 et seq.
See: GOVERNMENT STRUCTURE	
P	
PENSIONS AND RETIREMENT	
Incorporation and powers	
Specific power	
Retirement	1.13(32)
PERMITS. See: LICENSES AND PERMITS	
PLANNING AND DEVELOPMENT	
Administrative affairs	
Position classification and pay plans	3.14
Incorporation and powers	
Specific power	
Planning and land development regulation[s]	1.13(24)
Urban redevelopment.....	1.13(41)
PROPERTY	
Finance	
Property tax	6.10
Sale and lease of city property	6.33
Government structure	
Eminent domain	2.17
Holding other offices; voting when financially interested	
Use of public property	2.14(d)
Incorporation and powers	1.13 et seq.
See: INCORPORATION AND POWERS	
PUBLICATIONS	
Government structure	
Signing; authenticating; recording; codification; printing .	2.26
R	
REAL PROPERTY, REAL ESTATE	
Finance	
Property tax	6.10
Incorporation and powers	
Specific power	
Taxes	
Ad valorem	1.13(38)
RECORDS AND REPORTS	
Government structure	
Signing; authenticating; recording; codification; printing .	2.26
RESIDENCE, RESIDENTIAL	
Government structure	
City councilmembers; terms and qualifications for office..	2.11

CHARTER INDEX

	Section
S	
SALES	
Finance	
Sale and lease of city property	6.33
SOLID WASTE	
Incorporation and powers	
Specific power	
Garbage fees	1.13(11)
Solid waste disposal.....	1.13(35)
STATE	
Incorporation and powers	
Name.....	1.10
STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES	
Government structure	
Holding other offices; voting when financially interested	
Use of public property	2.14(d)
Incorporation and powers	
Specific power	
Regulation of roadside areas	1.13(31)
Roadways.....	1.13(33)
T	
TAXATION	
Finance	6.10 et seq.
See: FINANCE	
Incorporation and powers	
Specific power	
Taxes	
Ad valorem	1.13(38)
Other	1.13(39)
TAXICABS	
Incorporation and powers	
Specific power	
Taxicabs	1.13(40)
TENNILLE, CITY OF. See: CITY	
TRANSPORTATION	
Incorporation and powers	
Specific power	
Transportation, public	1.13(29)
U	
UTILITIES	
Incorporation and powers	

TENNILLE CODE OF ORDINANCES

	Section
UTILITIES (Cont'd.)	
Specific power	
Public utilities and services	1.13(30)
Utilities, municipal.....	1.13(21)

V

VEHICLES. See: MOTOR VEHICLES

VEHICLES FOR HIRE

Incorporation and powers	
Specific power	
Taxicabs	1.13(40)

VOTES, VOTING

Government structure	
Holding other offices; voting when financially interested .	2.14
Quorum; voting	2.21

W

WRITS, WARRANTS AND OTHER LEGAL PROCESSES

Judicial branch	
Certiorari	4.14

CODE INDEX

	Section
A	
A-1 AGRICULTURAL DISTRICT	
Zoning	
Districts, zoning	
Establishment of districts	40-54(1)
ABANDONMENT	
Law enforcement	
Sale of unclaimed property	22-3
Zoning	
Administration, enforcement and penalties	
Application for building permit	40-232
Nonconformities	
Open uses of land, nonconforming	40-206
ABATEMENT	
Utilities	
Illicit discharge and illegal connection	
Violations, enforcement and penalties	
Costs of abatement of the violation	38-151
Zoning	
Amendments	
Application for amendment	
Posting of property	
Removal of sign	40-290(g)(2)
ABUSE OR NEGLECT	
Animals	
Cruelty to animals prohibited	6-3
ACCESS	
Animals	
Rabies	
Quarantine	6-27
Buildings and building regulations	
Preowned manufactured housing standards	
Minimum health and safety standards	
Egress windows	8-87(8)
Emergency management	
Closed or restricted areas and curfews during emergency	12-6
Utilities	
Illicit discharge and illegal connection	
Prohibitions	
Access and inspection of properties and facilities	38-123
Zoning	40-121 et seq.
See: ZONING	
ADMINISTRATION	
Code of ethics	2-58 et seq.
See: CODE OF ETHICS	
Municipal court prosecuting attorney	2-19 et seq.
See: MUNICIPAL COURT PROSECUTING ATTORNEY	

TENNILLE CODE OF ORDINANCES

	Section
ADVERTISING	
Zoning	
Home occupations.....	40-118
AGENCIES. See: DEPARTMENTS AND OTHER AGENCIES OF CITY	
AGREEMENTS. See: CONTRACTS AND AGREEMENTS	
AGRICULTURE	
Open burning	
Burning for crop production and harvesting.....	16-4(e)
Zoning	
Districts, zoning	
Establishment of districts	
A-1 Agricultural District	40-54(1)
ALARM SYSTEMS	
Buildings and building regulations	
Preowned manufactured housing standards	
Minimum health and safety standards	
Smoke detectors.....	8-87(10)
ALCOHOLIC BEVERAGES	
Licenses and permits	
Mixed drink on premises. See herein that subject	
Mixed drink on premises	
Application required; investigation and report; action by mayor and council	4-24
Definitions	4-19
License	
Fees	4-22
Required.....	4-20
Suspension; revocation.....	4-21
Licenses and permits	
Application required; investigation and report; action by mayor and council.....	4-24
License. See within this subheading that subject	
Qualifications of applicant	4-23
Sale restrictions.....	4-25
Sale of liquor to intoxicated, etc. persons.....	4-25(a)
Time of sales	4-25(b)
Parks and recreation	
Prohibited acts in city recreation facilities	
Alcoholic beverages.....	26-1(a)
ALTER OR TAMPER	
Altering Code	1-7
Buildings and building regulations	
Preowned manufactured housing standards	
Permitting; inspection; certificate of occupancy and fees	
Alternative inspection	8-86(5)

CODE INDEX

	Section
ALTER OR TAMPER (Cont'd.)	
Historic preservation.....	20-4 et seq.
See: HISTORIC PRESERVATION	
Offenses and miscellaneous provisions	
Property rights, offenses concerning	
Tampering with utilities.....	24-30
Ordinances not affected by Code.....	1-11
Zoning	40-231 et seq.
See: ZONING	
AMENDMENTS	
Amendments to Code; effect of new ordinances; amendatory language.....	1-6
Ordinances not affected by Code.....	1-11
Streets, sidewalks and other public properties	
Excavations and permit requirements	
Construction must conform to state specifications	
Amendments	30-3(a)(2)
Zoning	40-55 et seq.
See: ZONING	
ANIMALS	
Animals running at large prohibited.....	6-2
Cruelty to animals prohibited.....	6-3
Enforcement	6-1
Health and sanitation	
Rabies. See herein that subject	
Illness or disease	
Rabies. See herein that subject	
Parks and recreation.....	26-1 et seq.
See: PARKS AND RECREATION	
Rabies	
Quarantine	6-27
Required reporting of rabies cases.....	6-26
Vaccination required.....	6-25
APPEALS	
Buildings and building regulations	
Derelict property	
Complaint in rem in municipal court; procedure; lien; appeal.....	8-58
Code of ethics	
Right of appeal	2-67
Historic preservation	
Application to commission for certificate of appropriateness	
Appeals	20-5(n)
Soil erosion and sedimentation control	
Administrative appeal and judicial review.....	14-114
Utilities	
Illicit discharge and illegal connection	

TENNILLE CODE OF ORDINANCES

	Section
APPEALS (Cont'd.)	
Violations, enforcement and penalties	
Appeal of notice of violation	38-149
Enforcement measures after appeal	38-150
Zoning	40-266 et seq.
See: ZONING	
ASSEMBLIES	
Offenses and miscellaneous provisions	
Idle standing or congregating on streets	24-1
Streets, sidewalks and other public properties.....	30-27 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES	
ASSESSMENTS	
Ordinances not affected by Code.....	1-11
B	
BENEFITS, COMPENSATION AND SALARIES	
Code of ethics	
Prohibitions.....	2-62
Historic preservation	
Historic preservation commission	
Members, commission; number, appointment, terms and compensation	20-3(c)
Ordinances not affected by Code.....	1-11
BOARD OF ETHICS	
Code of ethics	
Complaints against city official	
Service.....	2-66
Provisions re.....	2-64
BOARD OF ZONING APPEALS	
Ordinances not affected by Code.....	1-11
BOARDS, COMMISSIONS AND COMMITTEES	
Code of ethics	
Board of ethics	2-64
Conflict of interest	2-63
BONDS, SURETY OR PERFORMANCE	
Definitions and rules of construction.....	1-2
Soil erosion and sedimentation control	
Penalties and incentives	
Bond forfeiture.....	14-108(c)
BUFFERS	
Zoning	
Subdivision developments	
Procedures for approval of subdivision developments	
Application for approval; site plan required	
Buffer areas	40-123(3)b.9

CODE INDEX

	Section
BUILDING CODE	
Zoning	
Administration, enforcement and penalties	
Certificate of occupancy	
Denial	40-234(3)
BUILDING OFFICIAL	
Buildings and building regulations	
Derelict property	
Powers of building official or his designee	8-57
Zoning	
Administration, enforcement and penalties	
Zoning enforcement officer	40-230
BUILDINGS AND BUILDING REGULATIONS	
Construction codes	8-19 et seq.
See: CONSTRUCTION CODE	
Derelict property	
Complaint in rem in municipal court; procedure; lien; appeal	8-58
Declaration of public nuisance	8-56
Definitions	8-53
Disorderly house	8-62
Duty of owners of real property and structures thereon ..	8-55
General cleanliness of premises	8-61
Limitation of liability for code enforcement; no special duty created	8-60
Powers of building official or his designee	8-57
Service of complaints or orders upon owners and parties in interest.....	8-59
Short title.....	8-52
Violations; enforcement; penalties	8-54
Emergency management	
Authority to waive procedures and fee structures	
Temporary dwellings	12-4(f)
Registration of building and repair services	12-5
Flood damage prevention	
Provisions for flood hazard reduction	
Building standards for streams without established base flood elevations and/or floodway (A zones).....	18-69
Hazards, hazardous	
Derelict property. See herein that subject	
Historic preservation	
Maintenance of historic properties and building and zoning code provisions.....	20-6
Recommendations and designation of historic districts and properties	
Preliminary research by the commission	
Power to recommend districts and buildings to the city council for designation	20-4(a)(2)

TENNILLE CODE OF ORDINANCES

	Section
BUILDINGS AND BUILDING REGULATIONS (Cont'd.)	
Manufacture, manufacturing	
Preowned manufactured housing standards. See herein that subject	
Manufactured and mobile homes	
Preowned manufactured housing standards. See herein that subject	
Preowned manufactured housing standards	
Conditions	8-85
Definitions	8-83
Enforcement	8-88
Minimum health and safety standards.....	8-87
Egress windows.....	8-87(8)
Electrical systems	8-87(6)
Exterior condition	8-87(3)
Heating systems.....	8-87(5)
Hot water supply.....	8-87(7)
HUD code	8-87(1)
Interior condition.....	8-87(2)
Sanitary facilities.....	8-87(4)
Smoke detectors	8-87(10)
Ventilation	8-87(9)
Penalties	8-84
Permitting; inspection; certificate of occupancy and fees..	8-86
Alternative inspection	8-86(5)
Certificate of occupancy.....	8-86(3)
Fee	8-86(4)
Inspection	8-86(2)
Permit	8-86(1)
Property	
Derelict property. See herein that subject	
Zoning	40-6 et seq.
See: ZONING	
BURNING. See: OPEN BURNING	
BUSINESSES AND BUSINESS REGULATIONS	
Alcoholic beverages.....	4-1 et seq.
See: ALCOHOLIC BEVERAGES	
Code of ethics	
Conflict of interest	2-63
Emergency management	
Authority to waive procedures and fee structures	
City business.....	12-4(a)
Historic preservation	
Historic preservation commission	
Conflict of interest.....	20-3(f)
Liability for violations by corporations, other associations ..	1-9
Occupation tax	
Date due; penalty and interest.....	10-28
Definitions	10-20

CODE INDEX

	Section
BUSINESSES AND BUSINESS REGULATIONS (Cont'd.)	
Enforcement; violations	10-29
Evidence of qualification required if applicable	10-26
Exemptions	10-24
Filing returns; other information required or requested ..	10-27
Insurance companies and agents.....	10-23
Levied; computation of fulltime employees; tax schedule; limitations	10-21
Practitioners of professions and occupations.....	10-22
Public hearings.....	10-30
Required	10-19
State registration, evidence of when required	10-25
Pawnbrokers and secondhand dealers	10-51 et seq.
See: PAWNBROKERS AND SECONDHAND DEALERS	
Taxation	
Occupation tax. See herein that subject	
Zoning	40-15 et seq.
See: ZONING	

C

C-1 CENTRAL BUSINESS DISTRICT	
Zoning	
Districts, zoning	
Establishment of districts	40-54(6)
C-2 GENERAL COMMERCIAL DISTRICT	
Zoning	
Districts, zoning	
Establishment of districts	40-54(7)
CERTIFICATES, CERTIFICATION	
Buildings and building regulations	
Preowned manufactured housing standards	
Permitting; inspection; certificate of occupancy and fees	8-86
Code of ethics	
Complaints against city official	
Receipt.....	2-65
Historic preservation	
Application to commission for certificate of appropriate- ness.....	20-5
Historic district	
Certificate of appropriateness.....	20-34
Soil erosion and sedimentation control	
Education and certification	14-113
Zoning	40-55 et seq.
See: ZONING	
CHARGES, FEES AND RATES	
Alcoholic beverages	
Mixed drink on premises	

TENNILLE CODE OF ORDINANCES

	Section
CHARGES, FEES AND RATES (Cont'd.)	
License	
Fees	4-22
Buildings and building regulations	
Preowned manufactured housing standards	
Permitting; inspection; certificate of occupancy and fees	8-86
Emergency management	
Authority to waive procedures and fee structures	12-4
Emergency management and response powers	
Declaration of local emergency	
Effect of declaration	
Authority to waive procedures and fees	12-2(a)(4)c
Rates, charges and fees established	1-16
Rates, fees and charges. See Appendix A	
Soil erosion and sedimentation control	
Penalties and incentives	
Monetary penalties.....	14-108(d)
Utilities.....	38-4 et seq.
See: UTILITIES	
Zoning	40-234 et seq.
See: ZONING	
CHARITABLE ORGANIZATIONS	
Code of ethics	
Conflict of interest	2-63
CHARTER	
Definitions and rules of construction.....	1-2
Municipal court prosecuting attorney	
Jurisdiction, duties and authority	2-25
CHIEF OF POLICE	
Law enforcement	
Chief of police	22-2
Streets, sidewalks and other public properties	
Assemblies on public property	
Police chief duties	30-29
CITY	
Definitions and rules of construction.....	1-2
CITY CLERK. See: CLERK	
CITY COUNCIL	
Alcoholic beverages	
Mixed drink on premises	
Application required; investigation and report; action by mayor and council.....	4-24
Code of ethics	
Complaints against city official	
Service.....	2-66
Conflict of interest	2-63
Definitions and rules of construction.....	1-2

CODE INDEX

	Section
CITY COUNCIL (Cont'd.)	
Historic preservation	
Recommendations and designation of historic districts and properties	
Preliminary research by the commission	
Power to recommend districts and buildings to the city council for designation	20-4(a)(2)
Requirements for adopting an ordinance for the designation of historic districts and historic properties	
The city council actions on the commission's recommendation	20-4(d)(6)
Municipal court prosecuting attorney.....	2-20 et seq.
See: MUNICIPAL COURT PROSECUTING ATTORNEY	
Zoning	40-1 et seq.
See: ZONING	
CLERK	
Code of ethics	
Complaints against city official	
Service.....	2-66
Zoning	
Appeal procedure	
Who may appeal.....	40-267
CODE OF ETHICS	
Board of ethics	2-64
Complaints against city official	
Receipt	2-65
Service	2-66
Complaints and grievances	
Board of ethics	2-64
Complaints against city official	
Receipt.....	2-65
Service.....	2-66
Right of appeal	2-67
Conflict of interest.....	2-63
Definitions.....	2-60
Penalty	2-61
Prohibitions	2-62
Purpose	2-58
Right of appeal	2-67
Scope.....	2-59
CODE OF ORDINANCES*	
Altering Code	1-7
Amendments to Code; effect of new ordinances; amendatory language.....	1-6

***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.

TENNILLE CODE OF ORDINANCES

	Section
CODE OF ORDINANCES (Cont'd.)	
Catchlines of sections; notes and references	1-3
Definitions and rules of construction.....	1-2
Designation and citation of Code	1-1
Effect of repeal of ordinances	1-4
General penalty.....	1-12
Interpretation of Code	1-13
Liability for violations by corporations, other associations ..	1-9
Ordinances not affected by Code.....	1-11
Prior offenses, penalties and rights not affected by adoption of Code.....	1-15
Provisions considered continuations of existing ordinances .	1-10
Rates, charges and fees established.....	1-16
Severability of parts of Code	1-5
Substantive compliance with Code	1-14
Supplementation of Code	1-8
CODES	
Altering Code	1-7
Amendments to Code; effect of new ordinances; amendatory language.....	1-6
Buildings and building regulations	
Derelict property	
Limitation of liability for code enforcement; no special duty created.....	8-60
Preowned manufactured housing standards	
Minimum health and safety standards	
HUD code.....	8-87(1)
Code of ethics	2-58 et seq.
See: CODE OF ETHICS	
Construction codes	8-19 et seq.
See: CONSTRUCTION CODE	
Definitions and rules of construction.....	1-2
Designation and citation of Code	1-1
Emergency management	
Authority to waive procedures and fee structures	
Code enforcement	12-4(d)
Historic preservation	
Maintenance of historic properties and building and zon- ing code provisions.....	20-6
Interpretation of Code	1-13
Ordinances not affected by Code.....	1-11
Prior offenses, penalties and rights not affected by adoption of Code.....	1-15
Severability of parts of Code	1-5
Substantive compliance with Code	1-14
Supplementation of Code	1-8
COMMISSIONS. See: BOARDS, COMMISSIONS AND COM- MITTEES	

CODE INDEX

	Section
COMMITTEES. See: BOARDS, COMMISSIONS AND COMMITTEES	
COMPLAINTS AND GRIEVANCES	
Buildings and building regulations	
Derelict property	
Complaint in rem in municipal court; procedure; lien; appeal.....	8-58
Service of complaints or orders upon owners and parties in interest	8-59
Code of ethics	2-64 et seq.
See: CODE OF ETHICS	
Zoning	
Appeal procedure	
Purpose	40-266
Who may appeal.....	40-267
COMPUTATION OF TIME	
Definitions and rules of construction.....	1-2
CONSTRUCTION	
Construction codes	8-19 et seq.
See: CONSTRUCTION CODE	
Environment	
Air pollution	
Control measure requirements	
Construction activities	14-77
Posting of informational signs on construction sites..	14-81
Flood damage prevention.....	18-38 et seq.
See: FLOOD DAMAGE PREVENTION	
Historic preservation	
Application to commission for certificate of appropriateness	
Acceptable commission reaction to applications, commission action	
Reconstruction, alteration, new construction or renovation.....	20-5(f)(1)
Void if construction not commenced.....	20-5(k)
Streets, sidewalks and other public properties	
Excavations and permit requirements	
Construction must conform to state specifications.....	30-3(a)
Utilities	
Illicit discharge and illegal connection	
Prohibitions	
Industrial or construction activity discharges	38-122
Zoning	40-23 et seq.
See: ZONING	
CONSTRUCTION CODES	
Adoption of technical codes.....	8-21
Applicability	8-24
Conflicts	8-22

TENNILLE CODE OF ORDINANCES

	Section
CONSTRUCTION CODES (Cont'd.)	
Definitions.....	8-19
Enforcement	8-20
References to officials in adopted technical codes.....	8-23
CONTAMINANTS AND POLLUTANTS	
Environment	14-46 et seq.
See: ENVIRONMENT	
Parks and recreation	
Prohibited acts in city recreation facilities	
Polluting water in parks.....	26-1(i)
CONTRACTORS	
Code of ethics	
Prohibitions.....	2-62
Emergency management	
Authority to waive procedures and fee structures	
Public works contracts.....	12-4(b)
CONTRACTS AND AGREEMENTS	
Code of ethics	
Prohibitions.....	2-62
Emergency management	
Authority to waive procedures and fee structures	
Public works contracts.....	12-4(b)
Emergency management and response powers	
Contracts with local governments	12-2(c)
Historic preservation	
Historic preservation commission	
Conflict of interest.....	20-3(f)
Ordinances not affected by Code.....	1-11
Utilities	
Measurements, tests, etc.	
Special agreements.....	38-54
Zoning	
Interpretation and application	40-6
CONTROLLED SUBSTANCES	
Offenses and miscellaneous provisions	
Engaging in drug-related activity, loitering for the purpose of.....	24-2
CORPORATE LIMITS	
Definitions and rules of construction.....	1-2
COUNCIL. See: CITY COUNCIL	
COUNTY	
Definitions and rules of construction.....	1-2
COURTS	
Code of ethics	
Prohibitions.....	2-62
Definitions and rules of construction.....	1-2

CODE INDEX

	Section
COURTS (Cont'd.)	
Municipal court prosecuting attorney.....	2-19 et seq.
See: MUNICIPAL COURT PROSECUTING ATTORNEY	
Soil erosion and sedimentation control	
Administrative appeal and judicial review.....	14-114
Zoning	40-205 et seq.
See: ZONING	
CURBS AND GUTTERS	
Zoning	
Off-street parking and service requirements	
Curb cut requirements.....	40-154
CURFEW	
Emergency management	
Closed or restricted areas and curfews during emergency	12-6
Offenses and miscellaneous provisions	
Juvenile curfew	24-5
D	
DAMAGE, DEFACEMENT, DESTRUCTION OR INJURY	
Flood damage prevention.....	18-1 et seq.
See: FLOOD DAMAGE PREVENTION	
Offenses and miscellaneous provisions	
Property rights, offenses concerning	
Vandalism	24-29
Parks and recreation	
Prohibited acts in city recreation facilities	
Injuring public property	26-1(b)
Soil erosion and sedimentation control	
Minimum requirements. for erosion and sedimentation control using best management practices	
Injury to permitted property does not presume violation	14-110(e)
Zoning	40-54 et seq.
See: ZONING	
DELEGATION OF AUTHORITY	
Definitions and rules of construction.....	1-2
DEMOLITION	
Historic preservation	
Application to commission for certificate of appropriateness	
Acceptable commission reaction to applications, commission action	
Demolition	20-5(f)(3)
Recommendations and designation of historic districts and properties	
Requirements for adopting an ordinance for the designation of historic districts and historic properties	
Moratorium on applications for alteration or demolition while ordinance for designation is pending..	20-4(d)(9)

TENNILLE CODE OF ORDINANCES

	Section
DEPARTMENTS AND OTHER AGENCIES OF CITY	
Definitions and rules of construction.....	1-2
Emergency management	12-1 et seq.
See: EMERGENCY MANAGEMENT	
Historic preservation	
Recommendations and designation of historic districts and properties	
Requirements for adopting an ordinance for the designation of historic districts and historic properties	
Notification of other agencies regarding designation .	20-4(d)(8)
Zoning	
Appeal procedure	
Presentation of evidence.....	40-268
DRAINAGE, DRAINS	
Zoning	40-56 et seq.
See: ZONING	
DRUGS. See: CONTROLLED SUBSTANCES	
DUST, ODORS, SMOKE AND OTHER AIRBORNE PARTICLES	
Buildings and building regulations	
Preowned manufactured housing standards	
Minimum health and safety standards	
Smoke detectors.....	8-87(10)
Environment.....	14-46 et seq.
See: ENVIRONMENT	
Parks and recreation	
Prohibited acts in city recreation facilities	
Smoking	26-1(k)
Zoning	
Districts, zoning	
Establishment of districts	
I-1 Light Industrial District	40-54(8)
E	
EASEMENTS	
Flood damage prevention	
Abrogation and greater restrictions.....	18-6
Zoning	
Interpretation and application	40-6
Subdivision developments	
Improvements design	
Easements	40-123(6)c
ELECTIONS	
Code of ethics	
Complaints against city official	
Receipt.....	2-65
Scope	2-59

CODE INDEX

	Section
ELECTRIC, ELECTRICITY	
Buildings and building regulations	
Preowned manufactured housing standards	
Minimum health and safety standards	
Electrical systems.....	8-87(6)
Utilities	
Condition for new electrical service request	38-2
EMERGENCIES	
Emergency management	12-1 et seq.
See: EMERGENCY MANAGEMENT	
Zoning	
Group development projects	
Street access	40-119(2)
EMERGENCY MANAGEMENT	
Authority to waive procedures and fee structures	12-4
City business	12-4(a)
Code enforcement	12-4(d)
Fees	12-4(e)
Public works contracts	12-4(b)
Purchasing.....	12-4(c)
Temporary dwellings	12-4(f)
Closed or restricted areas and curfews during emergency...	12-6
Emergency management and response powers	12-2
Contracts with local governments.....	12-2(c)
Declaration of local emergency	12-2(a)
Continuance.....	12-2(a)(3)
Effect of declaration.....	12-2(a)(4)
Activation of emergency operations plan.....	12-2(a)(4)a
Additional emergency powers	12-2(a)(4)d
Authority to waive procedures and fees	12-2(a)(4)c
Emergency powers	12-2(a)(4)b
Grant of authority.....	12-2(a)(1)
Request for state assistance.....	12-2(a)(2)
Form of declaration.....	12-2(b)
Enforcement and remedies	12-3
Enforcement	12-3(d)
Injunctive relief	12-3(c)
Law enforcement.....	12-3(a)
Penalties	12-3(b)
Registration of building and repair services.....	12-5
Regulations continued in effect	12-1
ENVIRONMENT	
Air pollution	
Control measure requirements	
Burning.....	14-80
Construction activities.....	14-77
Fugitive dust.....	14-76
Open areas and vacant lots	14-79

TENNILLE CODE OF ORDINANCES

	Section
ENVIRONMENT (Cont'd.)	
Posting of informational signs on construction sites	14-81
Unpaved parking and outdoor storage areas.....	14-78
Control officer duties and powers	14-51
Declaration of nuisance	14-49
Definitions	14-47
Enforcement and penalties	14-48
Jurisdiction.....	14-50
Title	14-46
Contaminants and pollutants	
Air pollution. See herein that subject	
Dust, odors, smoke and other airborne particles	
Air pollution. See herein that subject	
Noise.....	14-21 et seq.
See: NOISE	
Soil erosion and sedimentation control	14-106 et seq.
See: SOIL EROSION AND SEDIMENTATION CONTROL	
Zoning	40-54 et seq.
See: ZONING	
ETHICS	
Code of ethics	2-58 et seq.
See: CODE OF ETHICS	
F	
F-H FLOOD HAZARD DISTRICT	
Zoning	
Districts, zoning	
Establishment of districts	40-54(10)
FINANCE	
Code of ethics	
Prohibitions.....	2-62
Emergency management	
Authority to waive procedures and fee structures	
Purchasing	12-4(c)
Historic preservation	
Historic preservation commission	
Commission's authority to receive funding from various sources.....	20-3(g)
Ordinances not affected by Code.....	1-11
FINES, FORFEITURES AND OTHER PENALTIES	
Buildings and building regulations	
Derelict property	
Violations; enforcement; penalties.....	8-54
Preowned manufactured housing standards	
Penalties.....	8-84
Businesses and business regulations	
Occupation tax	
Date due; penalty and interest	10-28

CODE INDEX

	Section
FINES, FORFEITURES AND OTHER PENALTIES (Cont'd.)	
Enforcement; violations.....	10-29
Code of ethics	
Penalty	2-61
Emergency management	
Enforcement and remedies	
Penalties.....	12-3(b)
Environment	
Air pollution	
Enforcement and penalties.....	14-48
Flood damage prevention	
Penalties for violation	18-9
General penalty.....	1-12
Historic preservation	
Penalties	20-2
Liability for violations by corporations, other associations ..	1-9
Litter control	
Violations, enforcement and penalties.....	28-28
Municipal court prosecuting attorney	
Establishment of office	2-21
Noise	
Engine braking	
Violations and penalties	14-35
Unnecessary noises which injure or endanger comfort or safety within limits of city	
Penalty	14-23
Ordinances not affected by Code.....	1-11
Pawnbrokers and secondhand dealers	
Penalty	10-57
Prior offenses, penalties and rights not affected by adoption of Code.....	1-15
Soil erosion and sedimentation control	
Minimum requirements. for erosion and sedimentation control using best management practices	
Injury to permitted property does not presume violation	14-110(e)
Penalties and incentives	14-108
Streets, sidewalks and other public properties.....	30-3 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES	
Traffic	
Uniform rules of the road adopted; penalty for violation of section.....	36-1
Utilities.....	38-3 et seq.
See: UTILITIES	
Zoning	40-229 et seq.
See: ZONING	
FIRE CHIEF	
Fire prevention and protection	
Fire chief appointed; authority and power	16-1

TENNILLE CODE OF ORDINANCES

	Section
FIRE PREVENTION AND PROTECTION	
Buildings and building regulations	
Preowned manufactured housing standards	
Minimum health and safety standards	
Egress windows	8-87(8)
Fire chief appointed; authority and power	16-1
Firefighter selection	16-2
Open burning	16-4 et seq.
See: OPEN BURNING	
Parks and recreation	
Prohibited acts in city recreation facilities	
Pyrotechnics restricted.....	26-1(q)
Smoking	26-1(k)
Unlawful obstruction.....	16-3
Zoning	
Nonconformities	
Reconstruction of nonconforming structures	40-209
FIREWORKS	
Parks and recreation	
Prohibited acts in city recreation facilities	
Pyrotechnics restricted.....	26-1(q)
FLOOD DAMAGE PREVENTION	
Abrogation and greater restrictions	18-6
Administration	
Designation of chapter administrator	18-37
Duties and responsibilities of the administrator	18-39
Permit procedures	18-38
Application stage	18-38(1)
Construction stage	18-38(2)
Applicability	18-2
Basis for area of special flood hazard	18-3
Compliance.....	18-5
Construction	
Administration	
Permit procedures	
Construction stage	18-38(2)
Provisions for flood hazard reduction	
Specific standards	
New construction and/or substantial improvements ..	18-68(1)
Nonresidential construction	18-68(2)
Establishment of development permit	18-4
Hazards, hazardous	
Basis for area of special flood hazard.....	18-3
Provisions for flood hazard reduction. See herein that subject	
Interpretation.....	18-7
Penalties for violation.....	18-9

CODE INDEX

	Section
FLOOD DAMAGE PREVENTION (Cont'd.)	
Provisions for flood hazard reduction	
Building standards for streams without established base flood elevations and/or floodway (A zones)	18-69
Critical facilities, standards for	18-73
General standards	18-67
Special flood hazard (zones AE) with established base flood elevations without designated floodways, standards for areas of.....	18-70
Specific standards.....	18-68
Floodway	18-68(4)
New construction and/or substantial improvements	18-68(1)
Nonresidential construction.....	18-68(2)
Standards for manufactured homes and recreational vehicles	18-68(3)
Standards for areas of shallow flooding (AO zones).....	18-71
Subdivisions, standards for	18-72
Variance procedures	18-74
Watercourses and waterways	
Building standards for streams without established base flood elevations and/or floodway (A zones).....	18-69
Special flood hazard (zones AE) with established base flood elevations without designated floodways, standards for areas of.....	18-70
Specific standards	
Floodway.....	18-68(4)
Zones	
Building standards for streams without established base flood elevations and/or floodway (A zones).....	18-69
Special flood hazard (zones AE) with established base flood elevations without designated floodways, standards for areas of.....	18-70
Standards for areas of shallow flooding (AO zones)	18-71
Purpose and intent.....	18-1
Warning and disclaimer of liability.....	18-8
Watercourses and waterways	
Provisions for flood hazard reduction. See herein that subject	
Zones	
Provisions for flood hazard reduction. See herein that subject	
FLOODS, FLOODING	
Flood damage prevention.....	18-1 et seq.
See: FLOOD DAMAGE PREVENTION	
Zoning	
Districts, zoning	
Establishment of districts	
F-H Flood Hazard District	40-54(10)

TENNILLE CODE OF ORDINANCES

	Section
FLOODS, FLOODING (Cont'd.)	
Nonconformities	
Reconstruction of nonconforming structures	40-209
FRANCHISES	
Ordinances not affected by Code.....	1-11
G	
GARBAGE AND TRASH	
Litter control.....	28-25 et seq.
See: LITTER CONTROL	
Solid waste	28-1 et seq.
See: SOLID WASTE	
GENDER	
Definitions and rules of construction.....	1-2
GOLF, GOLF COURSES	
Parks and recreation	
Prohibited acts in city recreation facilities	
Golfing regulated	26-1(p)
Zoning	
Nonconformities	
Open uses of land, nonconforming	40-206
GOVERNING AUTHORITY, GOVERNING BODY. See: CITY COUNCIL	
GRADING, GRADES	
Ordinances not affected by Code.....	1-11
H	
HAZARDS, HAZARDOUS	
Buildings and building regulations.....	8-52 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Flood damage prevention.....	18-3 et seq.
See: FLOOD DAMAGE PREVENTION	
Zoning	
Districts, zoning	
Establishment of districts	
F-H Flood Hazard District	40-54(10)
HEALTH AND SANITATION	
Animals.....	6-25 et seq.
See: ANIMALS	
Buildings and building regulations	
Derelict property	
General cleanliness of premises	8-61
Preowned manufactured housing standards	
Minimum health and safety standards	8-87
Zoning	
Districts, zoning	

CODE INDEX

	Section
HEALTH AND SANITATION (Cont'd.)	
Establishment of districts	
I-2 Heavy Industrial District	40-54(9)
Manufactured home	40-121
HEARINGS	
Businesses and business regulations	
Occupation tax	
Public hearings	10-30
Code of ethics	
Complaints against city official	
Service	2-66
Historic preservation	
Application to commission for certificate of appropriate- ness	
Public hearings on applications, notices and right to be heard	20-5(e)
Recommendations and designation of historic districts and properties	
Requirements for adopting an ordinance for the desig- nation of historic districts and historic properties	
Require public hearings	20-4(d)(3)
Zoning	40-230 et seq.
See: ZONING	
HEATING, VENTILATION AND AIR CONDITIONING	
Buildings and building regulations	
Preowned manufactured housing standards	
Minimum health and safety standards	
Heating systems	8-87(5)
Ventilation	8-87(9)
HISTORIC, HISTORICAL	
Historic preservation	20-1 et seq.
See: HISTORIC PRESERVATION	
HISTORIC PRESERVATION	
Alter or tamper	
Application to commission for certificate of appropriate- ness	
Acceptable commission reaction to applications, commis- sion action	
Reconstruction, alteration, new construction or reno- vation	20-5(f)(1)
Interior alterations	20-5(c)
Recommendations and designation of historic districts and properties	
Requirements for adopting an ordinance for the desig- nation of historic districts and historic properties	
Moratorium on applications for alteration or demoli- tion while ordinance for designation is pending ..	20-4(d)(9)

TENNILLE CODE OF ORDINANCES

	Section
HISTORIC PRESERVATION (Cont'd.)	
Application to commission for certificate of appropriateness	20-5
Acceptable commission reaction to applications, commission action	20-5(f)
Demolition.....	20-5(f)(3)
Reconstruction, alteration, new construction or renovation.....	20-5(f)(1)
Relocation	20-5(f)(2)
Acquisition of property	20-5(m)
Appeals.....	20-5(n)
Approval of material change in appearance in historic districts or involving historic properties	20-5(a)
Deadline for approval or rejection of application.....	20-5(h)
Interior alterations	20-5(c)
Necessary action to be taken by commission upon rejection of application	20-5(i)
Public hearings on applications, notices and right to be heard	20-5(e)
Recording an application.....	20-5(l)
Requirement of conformance	20-5(j)
Submission of plans to commission	20-5(b)
Technical advice.....	20-5(d)
Undue hardship.....	20-5(g)
Void if construction not commenced	20-5(k)
Definitions.....	20-1
Historic district	
Certificate of appropriateness	20-34
Designation of district and boundary description	20-31
District boundaries on the official zoning map	20-33
List of property in the district and ownership thereof.....	20-32
Historic preservation commission	20-3
Application to commission for certificate of appropriateness.....	20-5
Commission's authority to receive funding from various sources	20-3(g)
Conflict of interest	20-3(f)
Created.....	20-3(a)
Members, commission; number, appointment, terms and compensation	20-3(c)
Position within the city government.....	20-3(b)
Recommendations and designation of historic districts and properties	
Preliminary research by the commission	20-4(a)
Requirements for adopting an ordinance for the designation of historic districts and historic properties	
The city council actions on the commission's recommendation	20-4(d)(6)
Records of commission meetings	20-3(h)
Rules and standards, commission's power to adopt.....	20-3(e)
Statement of commission's power	20-3(d)

CODE INDEX

	Section
HISTORIC PRESERVATION (Cont'd.)	
Maintenance of historic properties and building and zoning code provisions.....	20-6
Affirmation of existing building and zoning codes.....	20-6(c)
Failure to provide ordinary maintenance or repair	20-6(b)
Ordinary maintenance or repair	20-6(a)
Notice, notification	
Application to commission for certificate of appropriateness	
Public hearings on applications, notices and right to be heard.....	20-5(e)
Recommendations and designation of historic districts and properties	
Requirements for adopting an ordinance for the designation of historic districts and historic properties	
Historic preservation division, notification of.....	20-4(d)(4)
Notification of other agencies regarding designation .	20-4(d)(8)
Penalties.....	20-2
Property	
Application to commission for certificate of appropriateness	
Acquisition of property.....	20-5(m)
Approval of material change in appearance in historic districts or involving historic properties	20-5(a)
Historic district	
List of property in the district and ownership thereof ..	20-32
Maintenance of historic properties and building and zoning code provisions.....	20-6
Recommendations and designation of historic districts and properties	20-4
Recommendations and designation of historic districts and properties.....	20-4
Designation of an historic district.....	20-4(b)
Boundaries	20-4(b)(2)
Criteria for selection	20-4(b)(1)
Evaluation of properties	20-4(b)(3)
Designation of an historic property.....	20-4(c)
Preliminary research by the commission.....	20-4(a)
Documentation of proposed designation	20-4(a)(3)
Mandate to conduct a survey of local historic resources	20-4(a)(1)
Power to recommend districts and buildings to the city council for designation.....	20-4(a)(2)
Requirements for adopting an ordinance for the designation of historic districts and historic properties	20-4(d)
Adoption of ordinance for designation, notification of...	20-4(d)(7)
Application for designation of historic districts or property.....	20-4(d)(1)
For historic districts.....	20-4(d)(1)a
For historic properties.....	20-4(d)(1)b
Historic preservation division, notification of	20-4(d)(4)

TENNILLE CODE OF ORDINANCES

	Section
HISTORIC PRESERVATION (Cont'd.)	
Moratorium on applications for alteration or demolition while ordinance for designation is pending.....	20-4(d)(9)
Notification of other agencies regarding designation....	20-4(d)(8)
Recommendations on proposed designations.....	20-4(d)(5)
Require public hearings.....	20-4(d)(3)
Required components of a designation.....	20-4(d)(2)
The city council actions on the commission's recommendation.....	20-4(d)(6)
Records and reports	
Application to commission for certificate of appropriateness	
Recording an application.....	20-5(1)
Historic district	
List of property in the district and ownership thereof..	20-32
Historic preservation commission	
Records of commission meetings.....	20-3(h)
Recommendations and designation of historic districts and properties	
Preliminary research by the commission	
Documentation of proposed designation.....	20-4(a)(3)
HISTORIC PRESERVATION COMMISSION	
Historic preservation.....	20-3 et seq.
See: HISTORIC PRESERVATION	
HOURS	
Alcoholic beverages	
Mixed drink on premises	
Sale restrictions	
Time of sales.....	4-25(b)
Emergency management	
Closed or restricted areas and curfews during emergency	12-6
Offenses and miscellaneous provisions	
Juvenile curfew.....	24-5
Parks and recreation	
Prohibited acts in city recreation facilities	
Park hours.....	26-1(f)
Pawnbrokers and secondhand dealers	
Hours of operation.....	10-54
HOUSING	
Buildings and building regulations	
Preowned manufactured housing standards	
Minimum health and safety standards	
HUD code.....	8-87(1)

I

I-1 LIGHT INDUSTRIAL DISTRICT
Zoning

CODE INDEX

	Section
I-1 LIGHT INDUSTRIAL DISTRICT (Cont'd.)	
Districts, zoning	
Establishment of districts	40-54(8)
I-2 HEAVY INDUSTRIAL DISTRICT	
Zoning	
Districts, zoning	
Establishment of districts	40-54(9)
IDENTIFICATION	
Zoning	40-151 et seq.
See: ZONING	
ILLNESS OR DISEASE	
Alcoholic beverages	
Mixed drink on premises	
Sale restrictions	
Sale of liquor to intoxicated, etc. persons	4-25(a)
Animals.....	6-25 et seq.
See: ANIMALS	
INDEMNIFICATION	
Utilities	
Wastewater and sewerage	
Responsibility for costs; indemnification.....	38-32
INDUSTRY, INDUSTRIAL	
Utilities	
Illicit discharge and illegal connection	
Prohibitions	
Industrial or construction activity discharges	38-122
Zoning	40-54 et seq.
See: ZONING	
INSPECTIONS	
Buildings and building regulations	
Preowned manufactured housing standards	
Permitting; inspection; certificate of occupancy and fees	8-86
Pawnbrokers and secondhand dealers	
Daily report to police; inspection of shop authorized	10-56
Record to be kept; inspection of records authorized.....	10-55
Soil erosion and sedimentation control	
Inspection and enforcement	14-112
Utilities	
Illicit discharge and illegal connection	
Prohibitions	
Access and inspection of properties and facilities	38-123
Zoning	
Amendments	
Application for amendment	
Hearing procedure	
Notice of interested parties.....	40-290(f)(2)
Manufactured home community park	40-120

TENNILLE CODE OF ORDINANCES

	Section
INSURANCE	
Businesses and business regulations	
Occupation tax	
Insurance companies and agents	10-23
INTERPRETATION	
Definitions and rules of construction.....	1-2
INVESTIGATIONS	
Alcoholic beverages	
Mixed drink on premises	
Application required; investigation and report; action by mayor and council.....	4-24
Code of ethics	
Prohibitions.....	2-62
J	
JOINT AUTHORITY	
Definitions and rules of construction.....	1-2
JUNK, SALVAGE OR SCRAP	
Zoning	
Nonconformities	
Open uses of land, nonconforming.....	40-206
L	
LAW ENFORCEMENT	
Chief of police.....	22-2
Composition of police department	22-1
Emergency management	
Enforcement and remedies	
Law enforcement	12-3(a)
Sale of unclaimed property.....	22-3
LIABILITY	
Buildings and building regulations	
Derelict property	
Limitation of liability for code enforcement; no special duty created.....	8-60
Flood damage prevention	
Warning and disclaimer of liability	18-8
Liability for violations by corporations, other associations ..	1-9
LICENSES AND PERMITS	
Alcoholic beverages.....	4-20 et seq.
See: ALCOHOLIC BEVERAGES	
Buildings and building regulations	
Preowned manufactured housing standards	
Permitting; inspection; certificate of occupancy and fees	8-86

CODE INDEX

	Section
LICENSES AND PERMITS (Cont'd.)	
Flood damage prevention	
Administration	
Permit procedures	18-38
Establishment of development permit.....	18-4
Municipal court prosecuting attorney	
Assistant prosecuting attorney	2-26
Qualifications.....	2-22
Open burning	
Permit required	16-4(b)
Revocation of permit.....	16-4(c)
Parks and recreation	
Prohibited acts in city recreation facilities	
Permit required.....	26-1(h)
Pawnbrokers and secondhand dealers	
License required	10-52
Soil erosion and sedimentation control	14-108 et seq.
See: SOIL EROSION AND SEDIMENTATION CONTROL	
Streets, sidewalks and other public properties.....	30-3 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES	
Zoning	40-6 et seq.
See: ZONING	
LIENS	
Buildings and building regulations	
Derelict property	
Complaint in rem in municipal court; procedure; lien; appeal.....	8-58
LIGHTING, LIGHTS	
Zoning	
Intersection visibility and corner setback	40-23
Sign regulations	
Illumination not to be a nuisance	40-180
LITTER CONTROL	
Definitions.....	28-25
Prohibition against littering public or private property or waters	28-26
Vehicle loads causing litter.....	28-27
Violations, enforcement and penalties	28-28
Enforcement	28-28(d)
Evidence	28-28(b)
Penalties	28-28(c)
Violations	28-28(a)
LOADING, UNLOADING	
Litter control	
Vehicle loads causing litter	28-27
Ordinances not affected by Code.....	1-11

TENNILLE CODE OF ORDINANCES

	Section
LOADING, UNLOADING (Cont'd.)	
Zoning	
Encroachment on public rights-of-way	40-13
Off-street parking and service requirements	
Minimum number of loading spaces required.....	40-153
LOITERING	
Offenses and miscellaneous provisions.....	24-1 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
M	
MAINTENANCE	
Historic preservation	
Maintenance of historic properties and building and zoning code provisions.....	20-6
Ordinary maintenance or repair	20-6(a)
Zoning	40-147 et seq.
See: ZONING	
MANUFACTURE, MANUFACTURING	
Buildings and building regulations.....	8-83 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
MANUFACTURED AND MOBILE HOMES	
Buildings and building regulations.....	8-83 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Flood damage prevention	
Provisions for flood hazard reduction	
Specific standards	
Standards for manufactured homes and recreational vehicles.....	18-68(3)
Zoning	40-17 et seq.
See: ZONING	
MAYOR	
Alcoholic beverages	
Mixed drink on premises	
Application required; investigation and report; action by mayor and council.....	4-24
Code of ethics	
Complaints against city official	
Service.....	2-66
Conflict of interest	2-63
Municipal court prosecuting attorney	
Ratification	2-27
Zoning	40-1 et seq.
See: ZONING	
MINORS	
Offenses and miscellaneous provisions	
Juvenile curfew	24-5

CODE INDEX

	Section
MONTH, YEAR	
Definitions and rules of construction.....	1-2
MOTOR VEHICLES	
Litter control	
Vehicle loads causing litter	28-27
Noise.....	14-31 et seq.
See: NOISE	
Ordinances not affected by Code.....	1-11
Parks and recreation	
Prohibited acts in city recreation facilities	
Motor vehicles	26-1(d)
Speed limit	26-1(m)
Zoning	
Home occupations.....	40-118
Manufactured home	40-121
MUNICIPAL COURT	
Code of ethics	
Board of ethics	2-64
Prohibitions.....	2-62
Definitions and rules of construction.....	1-2
Municipal court prosecuting attorney.....	2-19 et seq.
See: MUNICIPAL COURT PROSECUTING ATTORNEY	
MUNICIPAL COURT CLERK	
Buildings and building regulations	
Derelict property	
Complaint in rem in municipal court; procedure; lien; appeal.....	8-58
Code of ethics	
Complaints against city official	
Receipt.....	2-65
MUNICIPAL COURT PROSECUTING ATTORNEY	
Assistant prosecuting attorney	2-26
City council	
Assistant prosecuting attorney	2-26
Findings and intent.....	2-20
Ratification	2-27
Establishment of office.....	2-21
Findings and intent	2-20
Jurisdiction, duties and authority	2-25
Oath	2-23
Ordinances, resolutions, etc.	
Establishment of office	2-21
Findings and intent.....	2-20
Short title	2-19
Qualifications	2-22
Ratification.....	2-27
Short title	2-19
Term of office.....	2-24

TENNILLE CODE OF ORDINANCES

	Section
MUNICIPALITY. See: CITY	
N	
NAMES OF OFFICERS, DEPARTMENTS	
Definitions and rules of construction.....	1-2
NOISE	
Engine braking	
Definitions	14-31
Exceptions	14-33
Posting of signs	14-34
Prohibition.....	14-32
Violations and penalties.....	14-26
Motor vehicles	
Engine braking. See herein that subject	
Parks and recreation	
Prohibited acts in city recreation facilities	
Noises.....	26-1(e)
Trucks and trailers	
Engine braking. See herein that subject	
Unnecessary noises which injure or endanger comfort or safety within limits of city	
Certain acts deemed offensive; nonexclusive	14-22
Penalty	14-23
Unreasonably loud noise prohibited	14-21
Zoning	
Districts, zoning	
Establishment of districts	
I-1 Light Industrial District	40-54(8)
NONTECHNICAL AND TECHNICAL WORDS	
Definitions and rules of construction.....	1-2
NOTICE, NOTIFICATION	
Code of ethics	
Complaints against city official	
Service.....	2-66
Historic preservation.....	20-4 et seq.
See: HISTORIC PRESERVATION	
Utilities.....	38-124 et seq.
See: UTILITIES	
Zoning	40-267 et seq.
See: ZONING	
NUISANCES	
Buildings and building regulations	
Derelict property	
Declaration of public nuisance.....	8-56
Environment	
Air pollution	
Declaration of nuisance.....	14-49

CODE INDEX

	Section
NUISANCES (Cont'd.)	
Utilities	
Illicit discharge and illegal connection	
Violations, enforcement and penalties	
Deemed a public nuisance, violations	38-154
Zoning	40-54 et seq.
See: ZONING	
NUMBER, NUMBERING	
Definitions and rules of construction.....	1-2
Historic preservation	
Historic preservation commission	
Members, commission; number, appointment, terms and compensation	20-3(c)
Zoning	40-121 et seq.
See: ZONING	
O	
OATH, AFFIRMATION, SWEAR OR SWORN	
Definitions and rules of construction.....	1-2
Municipal court prosecuting attorney	
Oath	2-23
OBSTRUCTIONS	
Fire prevention and protection	
Unlawful obstruction	16-3
Streets, sidewalks and other public properties	
Prohibited obstruction of right-of-way.....	30-4
Zoning	
Intersection visibility and corner setback.....	40-23
Sign regulations	
No signs shall hamper traffic safety.....	40-178
O.C.G.A.	
Definitions and rules of construction.....	1-2
OFFENSES AND MISCELLANEOUS PROVISIONS	
Buildings and building regulations	
Derelict property	
Disorderly house.....	8-62
Day labor prohibitions	24-4
Engaging in drug-related activity, loitering for the purpose of	24-2
Idle standing or congregating on streets.....	24-1
Juvenile curfew	24-5
Loitering	
Engaging in drug-related activity, loitering for the purpose of.....	24-2
Idle standing or congregating on streets	24-1
Loitering for purpose of procuring others to engage in sexual acts for hire	24-3

TENNILLE CODE OF ORDINANCES

	Section
OFFENSES AND MISCELLANEOUS PROVISIONS (Cont'd.)	
Loitering for purpose of procuring others to engage in sexual acts for hire	24-3
Ordinances not affected by Code.....	1-11
Prior offenses, penalties and rights not affected by adoption of Code.....	1-15
Property	
Property rights, offenses concerning. See herein that subject	
Property rights, offenses concerning	
Tampering with utilities	24-30
Vandalism.....	24-29
Private property	24-29(b)
Public property	24-29(a)
Rights	
Property rights, offenses concerning. See herein that subject	
Zoning	
Administration, enforcement and penalties	
Penalties for violation.....	40-235
OFFICERS AND EMPLOYEES	
Businesses and business regulations	
Occupation tax	
Levied; computation of fulltime employees; tax schedule; limitations.....	10-21
Code of ethics	2-58 et seq.
See: CODE OF ETHICS	
Construction codes	
References to officials in adopted technical codes	8-23
Definitions and rules of construction.....	1-2
Emergency management	
Emergency management and response powers	
Declaration of local emergency	
Continuance	12-2(a)(3)
Environment	
Air pollution	
Control officer duties and powers.....	14-51
Fire prevention and protection	
Fire chief appointed; authority and power.....	16-1
Firefighter selection	16-2
Flood damage prevention	
Administration	
Designation of chapter administrator.....	18-37
Duties and responsibilities of the administrator.....	18-39
Law enforcement	
Chief of police	22-2
Composition of police department.....	22-1
Municipal court prosecuting attorney.....	2-19 et seq.
See: MUNICIPAL COURT PROSECUTING ATTORNEY	

CODE INDEX

	Section
OFFICERS AND EMPLOYEES (Cont'd.)	
Ordinances not affected by Code.....	1-11
Utilities	
Prohibited discharges	
Actions superintendent may take with regard to certain wastes	38-49
Zoning	
Administration, enforcement and penalties	
Intent	40-229
Zoning enforcement officer	40-230
OPEN BURNING	
Attendance	16-4(d)
Burning for crop production and harvesting	16-4(e)
Environment	
Air pollution	
Control measure requirements	
Burning	14-80
Permit required.....	16-4(b)
Prohibition; exceptions.....	16-4(a)
Revocation of permit	16-4(c)
OPEN SPACES. See: YARDS AND OPEN SPACES	
OR, AND	
Definitions and rules of construction.....	1-2
ORDINANCES, RESOLUTIONS, ETC.	
Amendments to Code; effect of new ordinances; amendatory language.....	1-6
Buildings and building regulations	
Derelict property	
Short title	8-52
Effect of repeal of ordinances	1-4
Environment	
Air pollution	
Title	14-46
Historic preservation	
Recommendations and designation of historic districts and properties	
Requirements for adopting an ordinance for the designation of historic districts and historic properties	
Adoption of ordinance for designation, notification of	20-4(d)(7)
Municipal court prosecuting attorney.....	2-19 et seq.
See: MUNICIPAL COURT PROSECUTING ATTORNEY	
Ordinances not affected by Code.....	1-11
Provisions considered continuations of existing ordinances .	1-10
Soil erosion and sedimentation control	
Title	14-106
Zoning	40-56 et seq.
See: ZONING	

TENNILLE CODE OF ORDINANCES

P

Section

PARKING, PARKING LOTS

Environment

Air pollution

Control measure requirements

Unpaved parking and outdoor storage areas 14-78

Ordinances not affected by Code..... 1-11

Zoning 40-13 et seq.

See: ZONING

PARKS AND RECREATION

Animals

Prohibited acts in city recreation facilities. See herein that subject

Enforcement authority 26-2

Prohibited acts in city recreation facilities 26-1

Alcoholic beverages 26-1(a)

Animals

Animals restricted 26-1(s)

Killing wildlife 26-1(c)

Pets 26-1(g)

Animals restricted 26-1(s)

Golfing regulated 26-1(p)

Injuring public property 26-1(b)

Killing wildlife 26-1(c)

Motor vehicles 26-1(d)

Noises 26-1(e)

Park hours 26-1(f)

Permit required 26-1(h)

Pets 26-1(g)

Polluting water in parks 26-1(i)

Posting signs 26-1(j)

Pyrotechnics restricted 26-1(q)

Recreation facility restrictions 26-1(r)

Skateboards 26-1(l)

Smoking 26-1(k)

Speed limit 26-1(m)

Swimming in lakes 26-1(n)

Urban camping 26-1(o)

Zoning

Manufactured home community park 40-120

PAWNBROKERS AND SECONDHAND DEALERS

Daily report to police; inspection of shop authorized 10-56

Definitions 10-51

Hours of operation 10-54

License required 10-52

Penalty 10-57

Record to be kept; inspection of records authorized 10-55

Review of application 10-53

CODE INDEX

	Section
PERMITS. See: LICENSES AND PERMITS	
PERSON	
Definitions and rules of construction.....	1-2
PERSONAL PROPERTY	
Definitions and rules of construction.....	1-2
PLANNING AND DEVELOPMENT	
Emergency management	
Emergency management and response powers	
Declaration of local emergency	
Effect of declaration	
Activation of emergency operations plan	12-2(a)(4)a
Flood damage prevention	
Establishment of development permit.....	18-4
Historic preservation	
Application to commission for certificate of appropriate- ness	
Submission of plans to commission.....	20-5(b)
Soil erosion and sedimentation control	
Application and permitting process	
Plan requirements.....	14-111(c)
Streets, sidewalks and other public properties	
Excavations and permit requirements	
Permit procedure; plot plan required	30-3(b)
Zoning	40-3 et seq.
See: ZONING	
PLANNING COMMISSION	
Ordinances not affected by Code.....	1-11
Zoning	40-289 et seq.
See: ZONING	
PLATS. See: SURVEYS, MAPS AND PLATS	
POLES AND WIRES	
Zoning	
Intersection visibility and corner setback	40-23
POLICE DEPARTMENT	
Animals	
Enforcement	6-1
Law enforcement	
Chief of police	22-2
Composition of police department.....	22-1
Pawnbrokers and secondhand dealers	
Daily report to police; inspection of shop authorized	10-56
PRECEDING, FOLLOWING	
Definitions and rules of construction.....	1-2

TENNILLE CODE OF ORDINANCES

	Section
PROPERTY	
Buildings and building regulations.....	8-52 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Code of ethics	
Prohibitions.....	2-62
Definitions and rules of construction.....	1-2
Historic preservation.....	20-4 et seq.
See: HISTORIC PRESERVATION	
Law enforcement	
Sale of unclaimed property	22-3
Litter control	
Prohibition against littering public or private property or waters	28-26
Offenses and miscellaneous provisions.....	24-29 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Parks and recreation	
Prohibited acts in city recreation facilities	
Injuring public property	26-1(b)
Soil erosion and sedimentation control	
Minimum requirements. for erosion and sedimentation control using best management practices	
Injury to permitted property does not presume violation	14-110(e)
Utilities	
Illicit discharge and illegal connection	
Prohibitions	
Access and inspection of properties and facilities	38-123
Zoning	
Amendments	
Application for amendment	
Posting of property	40-290(g)
PUBLIC PROPERTIES. See: STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES	
PUBLIC WORKS DEPARTMENT	
Streets, sidewalks and other public properties	
Authority of public works department.....	30-1
PUBLIC WORKS DIRECTOR	
Utilities	
Public works director	38-1
PUBLICATIONS	
Zoning	
Amendments	
Application for amendment	
Hearing procedure	
Hearing called	40-290(f)(1)

R

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

CODE INDEX

	Section
R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (Cont'd.)	
Zoning	
Districts, zoning	
Establishment of districts	40-54(2)
R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT	
Zoning	
Districts, zoning	
Establishment of districts	40-54(3)
R-3 MULTIFAMILY RESIDENTIAL DISTRICT	
Zoning	
Districts, zoning	
Establishment of districts	40-54(4)
Manufactured home	40-121
R-4 MANUFACTURED HOME COMMUNITY DISTRICT	
Zoning	40-54 et seq.
See: ZONING	
RAILROADS AND TRAINS	
Zoning	
Districts, zoning	
Interpretation of zoning district boundaries.....	40-56
Side and rear yards not required next to railroad	40-21
RATES, FEES AND CHARGES. See Appendix A	
REAL PROPERTY, REAL ESTATE	
Buildings and building regulations	
Derelict property	
Duty of owners of real property and structures thereon	8-55
Definitions and rules of construction.....	1-2
RECORDS AND REPORTS	
Alcoholic beverages	
Mixed drink on premises	
Application required; investigation and report; action by mayor and council.....	4-24
Animals	
Rabies	
Required reporting of rabies cases	6-26
Businesses and business regulations	
Occupation tax	
Filing returns; other information required or requested	10-27
Code of ethics	
Complaints against city official	
Receipt.....	2-65
Historic preservation.....	20-3 et seq.
See: HISTORIC PRESERVATION	
Pawnbrokers and secondhand dealers	
Daily report to police; inspection of shop authorized	10-56
Record to be kept; inspection of records authorized.....	10-55

TENNILLE CODE OF ORDINANCES

	Section
RECORDS AND REPORTS (Cont'd.)	
Zoning	40-230 et seq.
See: ZONING	
RECREATION. See: PARKS AND RECREATION	
RECREATIONAL VEHICLES	
Flood damage prevention	
Provisions for flood hazard reduction	
Specific standards	
Standards for manufactured homes and recreational vehicles.....	18-68(3)
Zoning	
Storage of recreation vehicle, travel trailer or camper	40-16
REGISTER, REGISTRATION	
Businesses and business regulations	
Occupation tax	
State registration, evidence of when required	10-25
Emergency management	
Registration of building and repair services	12-5
RESIDENCE, RESIDENTIAL	
Alcoholic beverages	
Mixed drink on premises	
Qualifications of applicant.....	4-23
Emergency management	
Authority to waive procedures and fee structures	
Temporary dwellings	12-4(f)
Flood damage prevention	
Provisions for flood hazard reduction	
Specific standards	
Nonresidential construction	18-68(2)
Zoning	40-54 et seq.
See: ZONING	
RIGHT-OF-WAY	
Streets, sidewalks and other public properties	
Excavations and permit requirements	
Permanent features in right-of-way not permitted	30-3(c)
Prohibited obstruction of right-of-way.....	30-4
Zoning	
Districts, zoning	
Interpretation of zoning district boundaries.....	40-56
Encroachment on public rights-of-way	40-13
RIGHTS	
Code of ethics	
Right of appeal	2-67

CODE INDEX

	Section
RIGHTS (Cont'd.)	
Historic preservation	
Application to commission for certificate of appropriate- ness	
Public hearings on applications, notices and right to be heard.....	20-5(e)
Offenses and miscellaneous provisions.....	24-29 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Ordinances not affected by Code.....	1-11
Prior offenses, penalties and rights not affected by adoption of Code.....	1-15
Zoning	
Schedule of permitted uses and development standards	
Table of permitted uses	
Uses permitted by right.....	40-86(1)
 S 	
SALES	
Alcoholic beverages	
Mixed drink on premises	
Sale restrictions	4-25
Law enforcement	
Sale of unclaimed property	22-3
SCHEDULE OF FEES AND CHARGES	
Definitions and rules of construction.....	1-2
SEDIMENTATION CONTROL. See: SOIL EROSION AND SEDIMENTATION CONTROL	
SEXUAL CONDUCT	
Offenses and miscellaneous provisions	
Loitering for purpose of procuring others to engage in sexual acts for hire	24-3
SHALL, MAY	
Definitions and rules of construction.....	1-2
SHRUBS. See: TREES, SHRUBS AND PLANTS	
SIGNATURE OR SUBSCRIPTION	
Definitions and rules of construction.....	1-2
SIGNS	
Environment	
Air pollution	
Control measure requirements	
Posting of informational signs on construction sites..	14-81
Noise	
Engine braking	
Posting of signs	14-34

TENNILLE CODE OF ORDINANCES

	Section
SIGNS (Cont'd.)	
Parks and recreation	
Prohibited acts in city recreation facilities	
Posting signs	26-1(j)
Zoning	40-231 et seq.
See: ZONING	
SITES, SITE PLANS	
Environment	
Air pollution	
Control measure requirements	
Posting of informational signs on construction sites ..	14-81
Zoning	
Subdivision developments	
Procedures for approval of subdivision developments	
Application for approval; site plan required	40-123(3)b
SMOKING	
Parks and recreation	
Prohibited acts in city recreation facilities	
Smoking	26-1(k)
SOIL EROSION AND SEDIMENTATION CONTROL	
Administrative appeal and judicial review	14-114
Administrative remedies	14-114(a)
Judicial review	14-114(b)
Application and permitting process	14-111
Application requirements	14-111(b)
Generally	14-111(a)
Permits	14-111(d)
Plan requirements	14-111(c)
Definitions	14-107
Education and certification	14-113
Exemptions	14-109
Inspection and enforcement	14-112
Licenses and permits	
Application and permitting process	14-111
Minimum requirements. for erosion and sedimentation control using best management practices	
Regulations of this chapter as stringent as the state general permit	14-110(c)
Penalties and incentives	
Failure to obtain a permit for land-disturbing activity .	14-108(a)
Minimum requirements. for erosion and sedimentation control using best management practices	14-110
Chapter does not preclude adoption of requirements that exceed minimums	14-110(d)
General provisions	14-110(a)
Injury to permitted property does not presume violation .	14-110(e)
Minimum requirements/BMPs	14-110(b)

CODE INDEX

	Section
SOIL EROSION AND SEDIMENTATION CONTROL (Cont'd.)	
Regulations of this chapter as stringent as the state general permit.....	14-110(c)
Penalties and incentives.....	14-108
Bond forfeiture	14-108(c)
Failure to obtain a permit for land-disturbing activity....	14-108(a)
Monetary penalties	14-108(d)
Stop work orders.....	14-108(b)
Title.....	14-106
SOLICITATION	
Code of ethics	
Prohibitions.....	2-62
SOLID WASTE	
Authority and administration.....	28-3
City responsibility to provide for collection of solid waste...	28-1
Litter control.....	28-25 et seq.
See: LITTER CONTROL	
Responsibility of citizens	28-2
STATE	
Definitions and rules of construction.....	1-2
STORAGE	
Environment	
Air pollution	
Control measure requirements	
Unpaved parking and outdoor storage areas	14-78
Zoning	40-16 et seq.
See: ZONING	
STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES	
Animals	
Animals running at large prohibited	6-2
Assemblies	
Assemblies on public property. See herein that subject	
Assemblies on public property	
Application process, permit.....	30-28
Licenses and permits	
Application process, permit	30-28
Permit required for certain assemblies on public prop- erties.....	30-27
Review procedure, application	30-30
Permit required for certain assemblies on public proper- ties.....	30-27
Police chief duties.....	30-29
Review procedure, application.....	30-30
Authority of public works department	30-1
Code of ethics	
Prohibitions.....	2-62

TENNILLE CODE OF ORDINANCES

	Section
STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES (Cont'd.)	
Definitions and rules of construction.....	1-2
Emergency management	
Authority to waive procedures and fee structures	
Public works contracts.....	12-4(b)
Excavations and permit requirements.....	30-3
Additional penalties.....	30-3(f)
Construction must conform to state specifications.....	30-3(a)
Adopted.....	30-3(a)(1)
Amendments.....	30-3(a)(2)
Continuous and repeated violations.....	30-3(g)
Fines, forfeitures and other penalties	
Additional penalties.....	30-3(f)
Continuous and repeated violations.....	30-3(g)
Penalties.....	30-3(d)
Penalties.....	30-3(d)
Civil penalties.....	30-3(d)(1)
Criminal penalties.....	30-3(d)(2)
Permanent features in right-of-way not permitted.....	30-3(c)
Permit procedure; plot plan required.....	30-3(b)
Restitution.....	30-3(e)
Fines, forfeitures and other penalties	
Excavations and permit requirements. See herein that subject	
Licenses and permits	
Assemblies on public property. See herein that subject	
Excavations and permit requirements.....	30-3
Litter control	
Prohibition against littering public or private property or waters.....	28-26
Offenses and miscellaneous provisions	
Idle standing or congregating on streets.....	24-1
Property rights, offenses concerning	
Vandalism	
Public property.....	24-29(a)
Ordinances not affected by Code.....	1-11
Prohibited obstruction of right-of-way.....	30-4
Road and sidewalk installations.....	30-2
Zoning.....	40-14 et seq.
See: ZONING	
SUBDIVISIONS	
Flood damage prevention	
Provisions for flood hazard reduction	
Subdivisions, standards for.....	18-72
Ordinances not affected by Code.....	1-11
Zoning.....	40-123 et seq.
See: ZONING	

CODE INDEX

	Section
SUBSTANTIAL COMPLIANCE	
Definitions and rules of construction.....	1-2
SUITS, ACTIONS AND OTHER LEGAL PROCEEDINGS	
Emergency management	
Enforcement and remedies	
Injunctive relief.....	12-3(c)
Zoning	
Administration, enforcement and penalties	
Remedies	40-236
SURVEYS, MAPS AND PLATS	
Historic preservation	
Historic district	
District boundaries on the official zoning map.....	20-33
Recommendations and designation of historic districts and properties	
Preliminary research by the commission	
Mandate to conduct a survey of local historic resources	20-4(a)(1)
Ordinances not affected by Code.....	1-11
Zoning	40-56 et seq.
See: ZONING	

T

TAXATION	
Businesses and business regulations.....	10-19 et seq.
See: BUSINESSES AND BUSINESS REGULATIONS	
Ordinances not affected by Code.....	1-11
TENANT, OCCUPANT	
Buildings and building regulations	
Preowned manufactured housing standards	
Permitting; inspection; certificate of occupancy and fees	8-86
Zoning	40-121 et seq.
See: ZONING	
TENNILLE, CITY OF. See: CITY	
TENSE	
Definitions and rules of construction.....	1-2
TOBACCO AND TOBACCO PRODUCTS	
Parks and recreation	
Prohibited acts in city recreation facilities	
Smoking	26-1(k)
TOURISM. See: TRAVEL AND TOURISM	
TRAFFIC	
Ordinances not affected by Code.....	1-11

TENNILLE CODE OF ORDINANCES

	Section
TRAFFIC (Cont'd.)	
Parks and recreation	
Prohibited acts in city recreation facilities	
Speed limit	26-1(m)
Speed limits	36-2
Uniform rules of the road adopted; penalty for violation of section	36-1
Zoning	
Intersection visibility and corner setback	40-23
Sign regulations	
No signs shall hamper traffic safety.....	40-178
TRAVEL AND TOURISM	
Code of ethics	
Prohibitions.....	2-62
Zoning	
Storage of recreation vehicle, travel trailer or camper	40-16
TREES, SHRUBS AND PLANTS	
Zoning	
Intersection visibility and corner setback	40-23
TRUCKS AND TRAILERS	
Noise.....	14-31 et seq.
See: NOISE	
Zoning	
Storage of recreation vehicle, travel trailer or camper	40-16
U	
UTILITIES	
Charges, fees and rates	
Illicit discharge and illegal connection	
Violations, enforcement and penalties	
Costs of abatement of the violation.....	38-151
Rates, charges and fees	38-4
Wastewater and sewerage	
Responsibility for costs; indemnification.....	38-32
Condition for new electrical service request.....	38-2
Fines, forfeitures and other penalties	
Illicit discharge and illegal connection. See herein that subject	
Interference with municipal utility properties	
Penalty	38-3(c)
Flood damage prevention	
Provisions for flood hazard reduction	
Critical facilities, standards for.....	18-73
Illicit discharge and illegal connection	
Applicability	38-86
Compatibility with other regulations	38-87
Definitions	38-84

CODE INDEX

	Section
UTILITIES (Cont'd.)	
Fines, forfeitures and other penalties	
Violations, enforcement and penalties. See within this subheading that subject	
Notice, notification	
Prohibitions	
Notification of accidental discharges and spills	38-124
Violations, enforcement and penalties	
Appeal of notice of violation	38-149
Notice of violation.....	38-148
Prohibitions	
Access and inspection of properties and facilities.....	38-123
Illicit discharges	38-120
Illegal connections.....	38-121
Industrial or construction activity discharges.....	38-122
Notification of accidental discharges and spills	38-124
Purpose and intent	38-85
Responsibility for administration	38-88
Violations, enforcement and penalties	
Appeal of notice of violation.....	38-149
Civil penalties	38-152
Costs of abatement of the violation	38-151
Criminal penalties.....	38-153
Deemed a public nuisance, violations	38-154
Enforcement measures after appeal.....	38-150
Notice of violation	38-148
Remedies not exclusive	38-155
Violations.....	38-147
Interference with municipal utility properties	38-3
Penalty	38-3(c)
Responsibility	38-3(b)
Unlawful	38-3(a)
Notice, notification	
Illicit discharge and illegal connection. See herein that subject	
Offenses and miscellaneous provisions	
Property rights, offenses concerning	
Tampering with utilities.....	24-30
Prohibited discharges	
Actions superintendent may take with regard to certain wastes	38-49
Control manhole	38-52
Generally	38-45
Interceptors.....	38-50
Measurements, tests, etc.	38-53
Pretreatment	38-48
Pretreatment facilities	38-51
Special agreements	38-54
Substances, etc., superintendent may prohibit	38-47
Waters and wastes specifically prohibited	38-46

TENNILLE CODE OF ORDINANCES

	Section
UTILITIES (Cont'd.)	
Public works director	38-1
Rates, charges and fees.....	38-4
Wastewater and sewerage	
Discharge of unpolluted waters to sewers.....	38-30
Private sewage disposal.....	38-29
Prohibited disturbance and use of public sewer facilities .	38-31
Required use of public sewers	38-28
Responsibility for costs; indemnification	38-32
Wastewater superintendent.....	38-27
Water	
Application for water service	38-64
New tap and service connection, applications for	38-65
Water superintendent	38-63
Water supply and distribution	
Wastewater and sewerage	
Discharge of unpolluted waters to sewers	38-30
Water. See herein that subject	
Zoning	40-23 et seq.
See: ZONING	

V

VEGETATION

Zoning

Intersection visibility and corner setback	40-23
--	-------

VEHICLES. See: MOTOR VEHICLES

VETERINARIANS

Animals

Rabies

Required reporting of rabies cases	6-26
Vaccination required	6-25

VOTES, VOTING

Code of ethics

Conflict of interest	2-63
Prohibitions.....	2-62

Zoning

Amendments

Application for amendment	
Generally	40-290(a)

W

WASHINGTON, COUNTY OF. See: COUNTY

WASTEWATER SUPERINTENDENT

Utilities

Wastewater and sewerage

Wastewater superintendent	38-27
---------------------------------	-------

CODE INDEX

	Section
WATER SUPERINTENDENT	
Utilities	
Water	
Water superintendent.....	38-63
WATER SUPPLY AND DISTRIBUTION	
Buildings and building regulations	
Preowned manufactured housing standards	
Minimum health and safety standards	
Hot water supply	8-87(7)
Utilities.....	38-30 et seq.
See: UTILITIES	
Zoning	40-120 et seq.
See: ZONING	
WATERCOURSES AND WATERWAYS	
Flood damage prevention.....	18-68 et seq.
See: FLOOD DAMAGE PREVENTION	
Litter control	
Prohibition against littering public or private property or waters	28-26
Parks and recreation	
Prohibited acts in city recreation facilities	
Polluting water in parks.....	26-1(i)
Swimming in lakes.....	26-1(n)
WATERWAYS. See: WATERCOURSES AND WATERWAYS	
WEIGHTS AND MEASURES	
Parks and recreation	
Prohibited acts in city recreation facilities	
Speed limit.....	26-1(m)
Traffic	
Speed limits	36-2
Utilities	
Measurements, tests, etc.....	38-53
Zoning	40-6 et seq.
See: ZONING	
WRITING	
Definitions and rules of construction.....	1-2
WRITS, WARRANTS AND OTHER LEGAL PROCESSES	
Buildings and building regulations	
Derelict property	
Service of complaints or orders upon owners and parties in interest	8-59
Soil erosion and sedimentation control	
Penalties and incentives	
Stop work orders	14-108(b)
Zoning	
Appeal procedure	
Decision by mayor and city council.....	40-269

TENNILLE CODE OF ORDINANCES

Section

Y

YARDS AND OPEN SPACES

Environment	
Air pollution	
Control measure requirements	
Open areas and vacant lots.....	14-79
Zoning	40-14 et seq.
See: ZONING	

Z

ZONES

Flood damage prevention.....	18-69 et seq.
See: FLOOD DAMAGE PREVENTION	
Ordinances not affected by Code.....	1-11
Zoning	
Intersection visibility and corner setback	40-23

ZONING ADMINISTRATOR

Zoning	40-55 et seq.
See: ZONING	

ZONING (Generally)

Historic preservation	
Historic district	
District boundaries on the official zoning map.....	20-33
Maintenance of historic properties and building and zoning code provisions.....	20-6
Ordinances not affected by Code.....	1-11

ZONING (Chapter 40)

Access	
Group development projects	
Street access	40-119(2)
Manufactured home	40-121
Off-street parking and service requirements	
Minimum number of loading spaces required	
Ingress and egress	40-153(3)
Accessory buildings or uses on nonresidential lots	40-15
Administration, enforcement and penalties	
Alter or tamper	
Building permit required	40-231
Certificate of occupancy	
Required for occupancy or use.....	40-234(1)
Remedies	40-236
Application for building permit	40-232
Building permit required.....	40-231
Buildings and building regulations	
Application for building permit	40-232
Building permit required	40-231
Remedies	40-236

CODE INDEX

	Section
ZONING (Chapter 40) (Cont'd.)	
Certificate of occupancy	40-234
Denial.....	40-234(3)
Issuance	40-234(2)
Required for occupancy or use	40-234(1)
Certificates, certification	
Application for building permit	40-232
Certificate of occupancy.....	40-234
Zoning enforcement officer	40-230
Construction	
Building permit required	40-231
Certificate of occupancy	
Required for occupancy or use.....	40-234(1)
Intent	40-229
Remedies	40-236
Sign permits	40-233
Intent.....	40-229
Licenses and permits	
Application for building permit	40-232
Building permit required	40-231
Sign permits	40-233
Zoning enforcement officer	40-230
Penalties for violation	40-235
Planning and development	
Application for building permit	40-232
Certificate of occupancy	
Denial	40-234(3)
Zoning enforcement officer	40-230
Remedies.....	40-236
Sign permits.....	40-233
Zoning administrator	
Application for building permit	40-232
Building permit required	40-231
Certificate of occupancy.....	40-234
Remedies	40-236
Sign permits	40-233
Zoning enforcement officer	40-230
Zoning enforcement officer.....	40-230
Alter or tamper	
Administration, enforcement and penalties. See herein that subject	
Amendments	
Application for amendment.....	40-290
Application for zoning map amendment.....	40-290(d)
City council	
Generally	40-290(a)
Hearing procedure	
Hearing called	40-290(f)(1)
Posting of property	
Removal of sign.....	40-290(g)(2)

TENNILLE CODE OF ORDINANCES

	Section
ZONING (Chapter 40) (Cont'd.)	
Referral to planning commission.....	40-290(e)
Generally.....	40-290(a)
Hearing procedure.....	40-290(f)
Hearing called.....	40-290(f)(1)
Notice of interested parties.....	40-290(f)(2)
Posting of property.....	40-290(g)
Erection of sign.....	40-290(g)(1)
Removal of sign.....	40-290(g)(2)
Referral to planning commission.....	40-290(e)
Signature of applicant required.....	40-290(b)
Text amendment.....	40-290(c)
Zoning administrator	
Generally.....	40-290(a)
Hearing procedure	
Notice of interested parties.....	40-290(f)(2)
Referral to planning commission.....	40-290(e)
City council	
Application for amendment. See within this subheading that subject	
General conditions.....	40-289
Districts, zoning	
Zoning map.....	40-55
General conditions.....	40-289
Hearings	
Application for amendment	
Generally.....	40-290(a)
Hearing procedure.....	40-290(f)
General conditions.....	40-289
Planning commission	
Application for amendment	
Hearing procedure	
Notice of interested parties.....	40-290(f)(2)
Referral to planning commission.....	40-290(e)
General conditions.....	40-289
Surveys, maps and plats	
Application for amendment	
Application for zoning map amendment.....	40-290(d)
Hearing procedure	
Hearing called.....	40-290(f)(1)
General conditions.....	40-289
Zoning administrator	
Application for amendment. See within this subheading that subject	
Appeal procedure	
Appeal of decision by mayor and city council.....	40-270
City council	
Appeal of decision by mayor and city council.....	40-270
Decision by mayor and city council.....	40-269
Presentation of evidence.....	40-268

CODE INDEX

	Section
ZONING (Chapter 40) (Cont'd.)	
Who may appeal.....	40-267
Decision by mayor and city council.....	40-269
Mayor	
Appeal of decision by mayor and city council	40-270
Decision by mayor and city council.....	40-269
Presentation of evidence.....	40-268
Who may appeal.....	40-267
Presentation of evidence	40-268
Purpose	40-266
Who may appeal	40-267
Zoning administrator	
Decision by mayor and city council.....	40-269
Purpose	40-266
Who may appeal.....	40-267
Appeals	
Appeal procedure. See herein that subject	
Buildings and building regulations	
Accessory buildings or uses on nonresidential lots.....	40-15
Administration, enforcement and penalties. See herein that subject	
Amendments	
Application for amendment	
Application for zoning map amendment.....	40-290(d)
Encroachment on public rights-of-way	40-13
Every use must be upon a lot	40-8
Group development projects. See herein that subject	
Home occupations.....	40-118
Interpretation and application	40-6
Intersection visibility and corner setback.....	40-23
Location of accessory buildings or uses on residential lots	40-14
Lots with multiple frontage.....	40-19
Manufactured home	40-121
Nonconformities. See herein that subject	
Only one principal building per lot	40-9
Required open space may not be used by another building	40-11
Zoning affects all land and buildings	40-7
Businesses and business regulations	
Accessory buildings or uses on nonresidential lots.....	40-15
Administration, enforcement and penalties	
Application for building permit	40-232
Districts, zoning	
Establishment of districts	
C-1 Central Business District	40-54(6)
C-2 General Commercial District	40-54(7)
Home occupations.....	40-118
Mobile office	40-17
Professional office building.....	40-122
Right of business maintenance	40-25
Certain terms and words, interpretation of; definitions	40-5

TENNILLE CODE OF ORDINANCES

	Section
ZONING (Chapter 40) (Cont'd.)	
Certificates, certification	
Administration, enforcement and penalties. See herein that subject	
Districts, zoning	
Zoning map	40-55
Charges, fees and rates	
Administration, enforcement and penalties	
Certificate of occupancy	
Issuance.....	40-234(2)
Penalties for violation.....	40-235
Amendments	
Application for amendment	
Generally	40-290(a)
City council	
Amendments. See herein that subject	
Appeal procedure. See herein that subject	
Districts, zoning	
Zoning map	40-55
Enactment clause	40-1
Group development projects	40-119
Construction	
Administration, enforcement and penalties. See herein that subject	
Intersection visibility and corner setback	40-23
Lots with multiple frontage.....	40-19
Nonconformities	
Reconstruction of nonconforming structures	40-209
Off-street parking and service requirements	
Drainage, construction and maintenance.....	40-147
Courts	
Appeal procedure	
Appeal of decision by mayor and city council	40-270
Legal status provisions	
Separability	40-316
Nonconformities	
Lots, nonconforming	40-205
Damage, defacement, destruction or injury	
Administration, enforcement and penalties	
Remedies	40-236
Districts, zoning	
Establishment of districts	
F-H Flood Hazard District.....	40-54(10)
Nonconformities	
Reconstruction of nonconforming structures	40-209
Districts, zoning	
Environment	
Establishment of districts. See within this subheading that subject	

CODE INDEX

	Section
ZONING (Chapter 40) (Cont'd.)	
Establishment of districts.....	40-54
A-1 Agricultural District.....	40-54(1)
C-1 Central Business District.....	40-54(6)
C-2 General Commercial District.....	40-54(7)
Environment	
R-1 Single-Family Residential District.....	40-54(2)
R-2 Single-Family Residential District.....	40-54(3)
R-3 Multifamily Residential District.....	40-54(4)
F-H Flood Hazard District.....	40-54(10)
I-1 Light Industrial District.....	40-54(8)
I-2 Heavy Industrial District.....	40-54(9)
R-1 Single-Family Residential District.....	40-54(2)
R-2 Single-Family Residential District.....	40-54(3)
R-3 Multifamily Residential District.....	40-54(4)
R-4 Manufactured Home Community District.....	40-54(5)
Residence, residential	
A-1 Agricultural District.....	40-54(1)
R-1 Single-Family Residential District.....	40-54(2)
R-2 Single-Family Residential District.....	40-54(3)
R-3 Multifamily Residential District.....	40-54(4)
R-4 Manufactured Home Community District.....	40-54(5)
Weights and measures	
A-1 Agricultural District.....	40-54(1)
R-1 Single-Family Residential District.....	40-54(2)
R-2 Single-Family Residential District.....	40-54(3)
R-3 Multifamily Residential District.....	40-54(4)
R-4 Manufactured Home Community District.....	40-54(5)
Interpretation of zoning district boundaries.....	40-56
Residence, residential	
Establishment of districts. See within this subheading that subject	
Weights and measures	
Establishment of districts. See within this subheading that subject	
Interpretation of zoning district boundaries.....	40-56
Zoning map.....	40-55
Drainage, drains	
Districts, zoning	
Interpretation of zoning district boundaries.....	40-56
Manufactured home community park.....	40-120
Off-street parking and service requirements	
Drainage, construction and maintenance.....	40-147
Subdivision developments	
Improvements design	
Drainage facilities.....	40-123(6)g
Procedures for approval of subdivision developments	
Application for approval; site plan required	
Utility and drainage plans.....	40-123(3)b.8
Enactment clause.....	40-1

TENNILLE CODE OF ORDINANCES

	Section
ZONING (Chapter 40) (Cont'd.)	
Encroachment on public rights-of-way	40-13
Environment	
Districts, zoning. See herein that subject	
Every lot shall abut a street	40-18
Every use must be upon a lot	40-8
Fines, forfeitures and other penalties	
Administration, enforcement and penalties. See herein that subject	
Group development projects	40-119
Buildings and building regulations	
Separation of buildings	40-119(3)
Setback requirements	40-119(4)
Street access	40-119(2)
Minimum lot size	40-119(1)
Separation of buildings	40-119(3)
Setback requirements	40-119(4)
Street access	40-119(2)
Uses prohibited	40-119(5)
Weights and measures	
Minimum lot size	40-119(1)
Separation of buildings	40-119(3)
Setback requirements	40-119(4)
Street access	40-119(2)
Hearings	
Administration, enforcement and penalties	
Zoning enforcement officer	40-230
Amendments. See herein that subject	
Home occupations	40-118
Identification	
Administration, enforcement and penalties	
Application for building permit	40-232
Amendments	
Application for amendment	
Application for zoning map amendment	40-290(d)
Signature of applicant required	40-290(b)
Appeal procedure	
Purpose	40-266
Off-street parking and service requirements	
Pavement markings and signs	40-151
Industry, industrial	
Administration, enforcement and penalties	
Application for building permit	40-232
Districts, zoning	
Establishment of districts	
I-1 Light Industrial District	40-54(8)
I-2 Heavy Industrial District	40-54(9)
Interpretation and application	40-6
Intersection visibility and corner setback	40-23
Jurisdiction	40-3

CODE INDEX

	Section
ZONING (Chapter 40) (Cont'd.)	
Legal status provisions	
Conflict with other laws.....	40-315
Purpose	40-314
Separability.....	40-316
Licenses and permits	
Administration, enforcement and penalties. See herein that subject	
Interpretation and application	40-6
Manufactured home community park	40-120
Sign regulations	
Issuance of permits, administration and filing procedure	40-183
Not requiring a permit, signs	40-181
Location of accessory buildings or uses on residential lots ..	40-14
Lots with multiple frontage	40-19
Maintenance	
Administration, enforcement and penalties	
Remedies	40-236
Amendments	
Application for amendment	
Posting of property	
Removal of sign.....	40-290(g)(2)
Off-street parking and service requirements	
Drainage, construction and maintenance.....	40-147
Right of business maintenance.....	40-25
Manufactured and mobile homes	
Districts, zoning	
Establishment of districts	
R-4 Manufactured Home Community District.....	40-54(5)
Manufactured home	40-121
Manufactured home community park	40-120
Mobile office	40-17
Manufactured home.....	40-121
Manufactured home community park.....	40-120
Mayor	
Appeal procedure. See herein that subject	
Districts, zoning	
Zoning map	40-55
Enactment clause	40-1
Mobile office	40-17
Nonconformities	
Buildings and building regulations	
Open uses of land, nonconforming.....	40-206
Reconstruction of nonconforming structures	40-209
Uses of structures, nonconforming	40-207
Changes in zoning	40-210
Lots, nonconforming	40-205
Open uses of land, nonconforming	40-206
Reconstruction of nonconforming structures.....	40-209
Signs, nonconforming.....	40-208

TENNILLE CODE OF ORDINANCES

	Section
ZONING (Chapter 40) (Cont'd.)	
Uses of structures, nonconforming.....	40-207
Notice, notification	
Amendments	
Application for amendment	
Hearing procedure	
Hearing called	40-290(f)(1)
Notice of interested parties.....	40-290(f)(2)
Appeal procedure	
Who may appeal.....	40-267
Nuisances	
Districts, zoning	
Establishment of districts	
I-2 Heavy Industrial District	40-54(9)
Home occupations.....	40-118
Sign regulations	
Illumination not to be a nuisance	40-180
Number, numbering	
Administration, enforcement and penalties	
Application for building permit	40-232
Sign permits	40-233
Amendments	
Application for amendment	
Application for zoning map amendment.....	40-290(d)
Manufactured home	40-121
Manufactured home community park	40-120
Off-street parking and service requirements	
Minimum number of loading spaces required.....	40-153
Number of parking spaces.....	40-152
Only one principal building per lot	40-9
Off-street parking and service requirements	
Curb cut requirements	40-154
Design, parking areas	40-149
Drainage, construction and maintenance	40-147
Joint parking facilities	40-150
Minimum number of loading spaces required	40-153
Design of loading spaces.....	40-153(2)
Ingress and egress	40-153(3)
Spaces appropriate to functions	40-153(1)
Number of parking spaces	40-152
Parking spaces may not be reduced	40-146
Pavement markings and signs	40-151
Scope of provisions.....	40-145
Separation from walkways, sidewalks and streets.....	40-148
Only one principal building per lot.....	40-9
Open space not to be encroached upon.....	40-10
Ordinances, resolutions, etc.	
Amendments	
Application for amendment	

CODE INDEX

	Section
ZONING (Chapter 40) (Cont'd.)	
Hearing procedure	
Hearing called	40-290(f)(1)
Districts, zoning	
Interpretation of zoning district boundaries.....	40-56
Legal status provisions	
Conflict with other laws	40-315
Purpose	40-314
Nonconformities	
Changes in zoning.....	40-210
Short title.....	40-2
Parking, parking lots	
Encroachment on public rights-of-way	40-13
Off-street parking and service requirements. See herein that subject	
Professional office building	
Parking	40-122(1)
Permitted modification of setback requirement.....	40-24
Planning and development	
Administration, enforcement and penalties. See herein that subject	
Districts, zoning	
Establishment of districts	
F-H Flood Hazard District.....	40-54(10)
Group development projects	40-119
Jurisdiction.....	40-3
Schedule of permitted uses and development standards. See herein that subject	
Subdivision developments.....	40-123
Planning commission	
Amendments. See herein that subject	
Appeal procedure	
Presentation of evidence.....	40-268
Professional office building	40-122
Parking.....	40-122(1)
Point of business sign	40-122(3)
Setback requirements	40-122(2)
Purpose.....	40-4
R-4 manufactured home community district	
Districts, zoning	
Establishment of districts	40-54(5)
Manufactured home	40-121
Manufactured home community park	40-120
Records and reports	
Administration, enforcement and penalties	
Application for building permit	40-232
Zoning enforcement officer	40-230
Amendments	
Application for amendment	
Application for zoning map amendment.....	40-290(d)

TENNILLE CODE OF ORDINANCES

	Section
ZONING (Chapter 40) (Cont'd.)	
Referral to planning commission.....	40-290(e)
Nonconformities	
Lots, nonconforming	40-205
Substandard lots of record.....	40-22
Reduction of yards or lot area	40-12
Required open space may not be used by another building .	40-11
Residence, residential	
Administration, enforcement and penalties	
Application for building permit	40-232
Districts, zoning. See herein that subject	
Group development projects	
Separation of buildings	40-119(3)
Home occupations.....	40-118
Location of accessory buildings or uses on residential lots	40-14
Lots with multiple frontage.....	40-19
Manufactured home	40-121
Manufactured home community park	40-120
Mobile office	40-17
Right of business maintenance	40-25
Schedule of permitted uses and development standards	
Development standards	40-87
Table of permitted uses	40-86
Special exceptions	40-86(2)
Uses permitted by right	40-86(1)
Screening required	40-20
Short title	40-2
Side and rear yards not required next to railroad.....	40-21
Sign regulations	
Illumination not to be a nuisance.....	40-180
Issuance of permits, administration and filing procedure.	40-183
Additional information.....	40-183(c)
Filing procedure	40-183(b)
Issuance of permits	40-183(a)
Temporary signs.....	40-183(d)
Locations prohibited	40-179
Maximum area of signs	40-182
No signs shall hamper traffic safety	40-178
Not requiring a permit, signs.....	40-181
Signs shall meet requirements of this article.....	40-177
Signs	
Administration, enforcement and penalties	
Building permit required	40-231
Sign permits	40-233
Amendments	
Application for amendment	
Posting of property	
Erection of sign.....	40-290(g)(1)
Removal of sign.....	40-290(g)(2)
Home occupations.....	40-118

CODE INDEX

	Section
ZONING (Chapter 40) (Cont'd.)	
Intersection visibility and corner setback	40-23
Nonconformities	
Reconstruction of nonconforming structures	40-209
Signs, nonconforming	40-208
Off-street parking and service requirements	
Pavement markings and signs	40-151
Professional office building	
Point of business sign	40-122(3)
Sign regulations. See herein that subject	
Subdivision developments	
Improvements design	
Signs, street	40-123(6)f
Special provisions for certain uses. See herein specific uses	
Storage	
Home occupations	40-118
Nonconformities	
Open uses of land, nonconforming	40-206
Storage of recreation vehicle, travel trailer or camper	40-16
Storage of recreation vehicle, travel trailer or camper	40-16
Streets, sidewalks and other public properties	
Administration, enforcement and penalties	
Application for building permit	40-232
Amendments	
Application for amendment	
Application for zoning map amendment	40-290(d)
Districts, zoning	
Interpretation of zoning district boundaries	40-56
Every lot shall abut a street	40-18
Group development projects	
Street access	40-119(2)
Intersection visibility and corner setback	40-23
Location of accessory buildings or uses on residential lots	40-14
Lots with multiple frontage	40-19
Manufactured home	40-121
Off-street parking and service requirements	
Separation from walkways, sidewalks and streets	40-148
Subdivision developments. See herein that subject	
Subdivision developments	40-123
Approval	40-123(4)
Design standards	40-123(5)
Requirements of developer	40-123(5)a
Suitability of land	40-123(5)b
Development plan	40-123(1)
Improvements design	40-123(6)
Drainage facilities	40-123(6)g
Easements	40-123(6)c
Frontage, street	40-123(6)b
Lots	40-123(6)a
Sewerage	40-123(6)i

TENNILLE CODE OF ORDINANCES

	Section
ZONING (Chapter 40) (Cont'd.)	
Sidewalks	40-123(6)d
Signs, street.....	40-123(6)f
Streets	40-123(6)e
Streets, sidewalks and other public properties	
Frontage, street	40-123(6)b
Sidewalks	40-123(6)d
Signs, street	40-123(6)f
Streets.....	40-123(6)e
Utility installation	40-123(6)j
Water systems	40-123(6)h
Private deed covenants.....	40-123(2)
Procedures for approval of subdivision developments	40-123(3)
Application for approval; site plan required.....	40-123(3)b
Boundaries.....	40-123(3)b.3
Buffer areas	40-123(3)b.9
Contours	40-123(3)b.5
Date	40-123(3)b.2
Existing property lines	40-123(3)b.6
Location map	40-123(3)b.4
Name	40-123(3)b.1
Other information.....	40-123(3)b.11
Proposed improvements	40-123(3)b.7
Proposed protective covenants.....	40-123(3)b.10
Utility and drainage plans.....	40-123(3)b.8
Preapplication review	40-123(3)a
Streets, sidewalks and other public properties	
Improvements design. See within this subheading that subject	
Subdivisions	
Administration, enforcement and penalties	
Zoning enforcement officer	40-230
Amendments	
Application for amendment	
Application for zoning map amendment.....	40-290(d)
Subdivision developments.....	40-123
Substandard lots of record	40-22
Adjoining lots.....	40-22(1)
Lot not meeting minimum lot size requirements.....	40-22(2)
Surveys, maps and plats	
Administration, enforcement and penalties	
Application for building permit	40-232
Zoning enforcement officer	40-230
Amendments. See herein that subject	
Districts, zoning	
Interpretation of zoning district boundaries.....	40-56
Zoning map	40-55
Subdivision developments	
Procedures for approval of subdivision developments	

CODE INDEX

	Section
ZONING (Chapter 40) (Cont'd.)	
Application for approval; site plan required	
Location map	40-123(3)b.4
Tenant, occupant	
Administration, enforcement and penalties	
Certificate of occupancy.....	40-234
Zoning enforcement officer	40-230
Manufactured home	40-121
Utilities	
Intersection visibility and corner setback	40-23
Subdivision developments	
Improvements design	
Utility installation	40-123(6)j
Procedures for approval of subdivision developments	
Application for approval; site plan required	
Utility and drainage plans	40-123(3)b.8
Water supply and distribution	
Manufactured home	40-121
Manufactured home community park	40-120
Subdivision developments	
Improvements design	
Water systems.....	40-123(6)h
Weights and measures	
Administration, enforcement and penalties	
Application for building permit	40-232
Amendments	
Application for amendment	
Application for zoning map amendment.....	40-290(d)
Posting of property	
Erection of sign.....	40-290(g)(1)
Districts, zoning. See herein that subject	
Every lot shall abut a street.....	40-18
Group development projects. See herein that subject	
Home occupations.....	40-118
Interpretation and application	40-6
Intersection visibility and corner setback	40-23
Lots with multiple frontage.....	40-19
Manufactured home	40-121
Manufactured home community park	40-120
Nonconformities	
Lots, nonconforming	40-205
Off-street parking and service requirements	
Minimum number of loading spaces required	
Spaces appropriate to functions	40-153(1)
Parking spaces may not be reduced.....	40-146
Permitted modification of setback requirement	40-24
Professional office building	
Setback requirements.....	40-122(2)
Reduction of yards or lot area	40-12

TENNILLE CODE OF ORDINANCES

	Section
ZONING (Chapter 40) (Cont'd.)	
Sign regulations	
Maximum area of signs.....	40-182
Substandard lots of record	
Lot not meeting minimum lot size requirements	40-22(2)
Yards and open spaces	
Accessory buildings or uses on nonresidential lots.....	40-15
Group development projects	
Setback requirements.....	40-119(4)
Legal status provisions	
Conflict with other laws	40-315
Location of accessory buildings or uses on residential lots	40-14
Lots with multiple frontage.....	40-19
Manufactured home community park	40-120
Nonconformities	
Reconstruction of nonconforming structures	40-209
Reduction of yards or lot area	40-12
Required open space may not be used by another building	40-11
Side and rear yards not required next to railroad	40-21
Zoning administrator	
Administration, enforcement and penalties. See herein that subject	
Amendments. See herein that subject	
Appeal procedure. See herein that subject	
Districts, zoning	
Zoning map	40-55
Manufactured home	40-121
Zoning affects all land and buildings.....	40-7

