CODE OF ORDINANCES

City of

ROYSTON, GEORGIA

Codified through

Ordinance of February 8, 2011.

(Supp. No. 6)

CODE OF ORDINANCES
CITY OF
ROYSTON, GEORGIA

Adopted February 21, 1995
Effective February 21, 1995

Published by Order of the City Council

M	MUNICIPAL CODE CORPORATION
CC	Tallahassee, Florida 1995

OFFICIALS

of the

CITY OF

ROYSTON, GEORGIA

AT THE TIME OF THIS CODIFICATION

_____vs>

Steve Williams

Mayor

Julie Irby

David Pressley

Herbert Norton

Jimmy Shipp
Roger W. Bennett
Charles Payne

City Council

_____

Franklin J. Ginn

City Manager

_____

Michael S. Green

City Attorney

_____

Jane McGarity

City Clerk

CURRENT OFFICIALS

of the

CITY OF

ROYSTON, GEORGIA

_____vs>

David L. Jordan

Mayor

_____

Keith Turman

Mayor Pro-Tem

Larry Bowen

Clark Williams

Kenneth Roach

Wayne Braswell

Matt Fields

City Council

_____

Greg Scott

City Manager

_____

Mike Green

City Attorney

_____

Gloria A. Brown

CFO/City Clerk

PREFACE

This Code constitutes a complete recodification of the general and permanent ordinances of the City of Royston, Georgia.

Source materials used in the preparation of the Code were the 1984 Code and ordinances subsequently 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 section of the 1984 Code and any subsequent ordinance included herein.

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

Chapter and Section Numbering System

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

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
CHARTER COMPARATIVE TABLE	CHTCT:1
CODE	CD1:1
CODE APPENDIX	CDA:1 CDB:1 CDC: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 Palmer Carr, Supervising Editor, and Laura Johnson, 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 Mr. Michael S. Green and Mr. Douglas G. Ashworth, City Attorneys, and Mr. Frank Ginn, City Manager, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

	MUNICIPAL CODE CORPORATION Tallahassee, Florida

ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code for the City of Royston; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

Be it Ordained by the Council of the City of Royston:

Section 1. The Code entitled "Code of Ordinances, City of Royston, Georgia" published by Municipal Code Corporation consisting of Chapters 1 through 78, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before November 8, 1994, and not included in the Code or recognized and continued in force by reference therein, are repealed.

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

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than $1,000.00 or imprisonment for not more than six months or both. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The

penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

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

Section 6. Ordinances adopted after November 8, 1994, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective February 21, 1995.

Ordained this 21st day of February, 1995.

by the mayor and council of the City of Royston, Georgia.

Steve Williams

_____

Mayor

ATTEST:

Susan Brooks

_____

City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Royston, held on the 21st day of February, 1995.

Susan Brooks

_____

City Clerk

SUPPLEMENT HISTORY TABLE

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

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

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
Ord. of	12-11-2007	Include	6
Ord. of	2-12-2008	Include	6
Ord. of	6-10-2008	Include	6
Ord. of	9- 9-2008	Include	6
Ord. of	4-14-2009	Include	6
Ord. of	6- 9-2009	Include	6
Ord. of	5-11-2010	Include	6
Ord. of	7-13-2010	Include	6
Ord. of	9-14-2010	Include	6
Ord. of	11- 9-2010	Include	6
Ord. of	1-11-2011	Include	6
Ord. of	2- 8-2011	Include	6

PART I

CHARTER*

* **Editors Note:** Printed herein is 1992 Ga. Laws, page 5918 which provides a new Charter for the city. Amendments to the act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

ARTICLE I.

INCORPORATION AND POWERS

Section 1.10. Name.

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

Section 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 in the office of City Manager and to be designated, as the case may be: "Official Map of the corporate limits of the City of Royston, Georgia." Photographic, typed, or other copies of such map or description certified by the city manager 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.

Section 1.12. Powers and Construction.

(a) This 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. This city shall have all powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this 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 this city.

Section 1.13. Examples of Powers.

The powers of this city shall include, but not be limited to, the following:

(1) *Air and Water Pollution.* To regulate the emission of smoke or other exhaust which pollutes the air, and to prevent the pollution of natural streams which flow within the corporate limits of the city;

(2) *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 hereunder;

(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 the collection of license fees and taxes on privileges, occupations, trades and processions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses 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 O.C.G.A. § 22-2-1 et seq., or such other applicable laws as are 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 without 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) *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 fire fighting; and to prescribe penalties and punishment for violations thereof;

(10) *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 therein 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;

(11) *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;

(12) *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;

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

(14) *Jail Sentences.* To provide that persons given jail sentences in the city's court may work out such

sentences in any public works or on the streets, roads, drains and squares 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;

(15) *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 or other property of the city;

(16) *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;

(17) *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;

(18) *Municipal Property Ownership.* To acquire, dispose of, 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;

(19) *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;

(20) *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, transportation facilities, public airports, cable television, and any other public utility; and to fix the penalties, and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, gas and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city as provided by ordinance;

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

(22) *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;

(23) *Planning and Zoning.* To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(24) *Police and Fire Protection.* To exercise the power of arrest through duly appointed police, and to

establish, operate, or contract for a police and a fire fighting agency;

(25) *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;

(26) *Public Improvements.* To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or 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 O.C.G.A. § 22-2-1 et seq., or such other applicable laws as are or may hereafter be enacted;

(27) *Public Peace.* To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(28) *Public Transportation.* To organize and operate such public transportation systems as are deemed beneficial;

(29) *Public Utilities and Services.* To grant franchises or make contracts for public utilities and public services; 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 Public Service Commission;

(30) *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;

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

(32) *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 negotiate and execute leases over, through, under or across any city property or the right-of-way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses 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 for private use; 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;

(33) *Sewer Fees.* To levy a fee, charge, or sewer tax as necessary to assure 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;

(34) *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;

(35) *Special Areas of Public Regulation.* To regulate or prohibit junk dealers, pawnshops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale 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;

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

(37) *Taxes: Ad Valorem.* To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

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

(39) *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;

(40) *Urban Redevelopment.* To organize and operate an urban redevelopment program;

(41) *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 to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; 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.

Section 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 the execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II.

GOVERNMENT STRUCTURE

Section 2.10. City Council Creation, Number, Election.

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 council members. The mayor and council members shall be elected in the manner provided by this charter.

Section 2.11. City Council Terms and Qualifications for Office.

Except as provided in Article V, the members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or council member unless they shall be 21 years of age on or before the date of the election and they shall have been a resident of the city for one year immediately prior to the date of the election of mayor or members of the city council; each shall continue to reside therein during their period of service and to be registered and qualified to vote in municipal elections of this city.

Code reference--Elections, ch. 34.

Section 2.12. Vacancy; Filling of Vacancies.

(a) *Vacancies*--The office of mayor or council member shall become vacant upon the incumbent's death, resignation, removal of residence from the city, missing four consecutive city council meetings without leave from council, forfeiture of office or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor or council member shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

(b) *Suspension*--Upon the suspension from office of mayor or council member in any manner authorize by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

Code reference--Elections, ch. 34.

Section 2.13. Compensation and Expenses.

The mayor and council members shall receive compensation and expenses for their services as provided by ordinance.

Section 2.14. Conflicts of Interest; Holding Other Offices.

(a) *Conflict of Interest*--No elected official, appointed officer, or employee of the city or any 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 their official duties or which would tend to impair the independence of their judgment or action in the performance of their 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 their official duties or would tend to impair the independence of their judgment or action in the performance of their official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which they are engaged without the proper legal authorization; or use such information to advance the financial or other private interest of themselves 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 their knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which they are 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. Valuables are defined as gifts worth over $50.00;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; and

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which they have financial interest.

(b) *Disclosure*--Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any council member who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and they shall disqualify themselves 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 private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) *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.

(d) *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 said contract or sale voidable at the option of the city official.

(e) *Ineligibility of Elected Official*--Except where authorized by law, neither the mayor nor any council member 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 they were elected. No former mayor and no former council member shall hold any compensated appointive office in the city until one year after the expiration of the term for which they were elected.

(f) *Political Activities of Certain Officers and Employees*--No appointive 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.

(g) *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 their office or position.

(2) Any officer or employee of the city who shall forfeit their office or position as described in paragraph (1) above, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

Section 2.15. Inquiries and Investigations.

The city council may make inquiries and investigations into the affairs of the city and the 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 provided by ordinance.

Section 2.16. General Power, and Authority of the City Council.

Except as otherwise provided by the charter, the city council shall be vested with all the powers of government of this city as provided by Article I.

Section 2.17. Eminent Domain.

The city council is hereby 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, cable television 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.

Section 2.18. Oath of Office.

The oath of office shall be administered by any person duly authorized by law to administer oaths to the newly elected members as follows:

> "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (council member) 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."

Section 2.19. Regular and Special Meetings.

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

(b) Special meetings of the city council may be held on call of the mayor or three 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 council members shall not be required if the mayor and all council members are present when the special meeting is called. Such notice of any special meeting may be waived by a council member 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 council member's presence. Only the business stated in the call may be transacted at the special meeting without unanimous consent of such council members present.

(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 required by law.

Code reference--Time, place of regular meetings, § 2-41.

Section 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 a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairmen and officers of the city council shall be appointed by the mayor and shall serve at the mayor's pleasure. The mayor shall have the power to appoint new members to any committee at any time.

Code reference--Rules for conduct of business, § 2-43.

Section 2.21. Quorum: Voting.

(a) Four council members 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 a majority of council members present shall be required for the adoption of any ordinance, resolution, or motion.

(b) In the event vacancies in office result in less than a quorum of council members holding office, then the remaining council members in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining council members shall be required for the adoption of any ordinance, resolution or motion.

Section 2.22. Ordinance 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 "The Council of the City of Royston hereby ordains . . . " and every ordinance shall so begin.

(b) An ordinance may be introduced by any council member 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 in Section 2.24. Upon introduction of any ordinance, the city manager shall as soon as possible distribute a copy to the mayor and to each council member and shall file a reasonable number of copies in the office of the city manager and at such other places as the city council may designate.

Code reference--Adoption of resolutions, contracts and interlocal agreements, § 2-61 et seq.

Section 2.23. Action Requiring an Ordinance.

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

Section 2.24. Emergencies.

To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or three council members and 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 a majority of the council members present 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.

Section 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) 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 he authenticated and recorded by the city manager pursuant to Section 2.26.

(b) Copies of any adopted code of technical regulations shall be made available by the city manager for distribution or for purchase at a reasonable price.

Code reference--Adoption of technical codes, § 18-26.

Section 2.26. Signing; Authenticating; Recording; Codification; Printing.

(a) The mayor or city manager shall authenticate by his signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the council.

(b) 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 "Code of Ordinances, City of Royston, 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 currently in effect 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.

Section 2.27. City Manager; Appointment; Qualifications; Compensation.

The city council shall employ a city manager for an indefinite term and shall fix the city manager's compensation. The city manager shall be employed solely on the basis of the city manager's executive and administrative qualifications.

Section 2.28. Removal of City Manager.

(a) The city council may remove the city manager from office in accordance with the following procedures:

(1) The city council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager.

(2) Within five (5) days after a copy of the resolution is delivered to the city manager, the city manager may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the council a written reply not later than five (5) days before the hearing.

(3) If the city manager has not requested a public hearing within the time specified in paragraph (2) above, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing.

(b) The city manager shall continue to receive the city manager's salary until the effective date of a final resolution of removal.

Section 2.29. Acting City Manager.

By letter filed with the city, the city manager shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of city manager during the city manager's temporary absence or disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or the city manager's disability shall cease.

Section 2.30. Powers and Duties of the City Manager.

The city manager shall be the chief administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in his charge by or under this charter. The city manager shall have the following powers and duties:

(1) The city manager shall employ and, when the city manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the city manager employs, except as otherwise provided by law, in this charter, or personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to those subordinated in that officer's department, office, or agency;

(2) The city manager shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;

(3) The city manager shall attend all city council meetings and shall have the right to take part in discussion but the city manager may not vote;

(4) The city manager shall see that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

(5) The city manager shall prepare and submit the annual operating budget and capital budget to the city council;

(6) The city manager shall submit to the city council and make available to the public a complete report on the finances and administrative activities of the city at the regularly held monthly meeting of the city council;

(7) The city manager shall make such other reports as the city council may require concerning the operations of city departments, offices and agencies subject to the city manager's direction and supervision;

(8) The city manager shall keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable; and

(9) The city manager shall perform other such duties as are specified in this charter or as may be required by the city council.

Section 2.31. Council Interference with Administration.

Except for the purpose of inquiries and investigation under Section 2.15, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 2.32. Election of Mayor; Forfeiture; Compensation.

Except as provided in Article V, the mayor shall be elected and 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 the mayor shall be 21 years of age on or before the date of the election and the mayor shall have been a resident of the city for one year immediately preceding the mayor's election. The mayor shall continue to reside in this city during the period of the mayor's service. The mayor shall forfeit the mayor's office on the same grounds and under the same procedure as for council members. The compensation of the mayor shall be established in the same manner as for council members.

Code reference--Elections, ch. 34.

Section 2.33. Mayor Pro Tem, Election.

By a majority vote, the city council shall elect a council member to serve as mayor pro tem.

Section 2.34. 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 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 at city council meetings only in the case of a tie vote by council members; and

(6) Have veto power to be exercised in the manner set out in Section 2.36.

Section 2.35. Mayor Pro Tem, Power and Duties.

During the absence or disability of the mayor for any cause, the mayor pro tem, or in the mayor's absence or disability for any reason, any one of the council members chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all council members.

Section 2.36. Submission of Ordinances to the Mayor; Veto Power.

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

(b) The mayor, within five (5) calendar days of receipt of an ordinance, shall return it to the city manager with or without the city manager's approval, or with the city manager's disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city manager; if the ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council a written statement of the mayor's reasons for the mayor's veto. The city manager shall record upon the ordinance the date of its delivery to and receipt from the mayor.

(c) Ordinances vetoed by the mayor shall be presented by the city manager to the city council at its next meeting. If the city council then or at its next general meeting adopts the ordinance by an affirmative vote of two-thirds of its members, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The reduced part or parts shall be presented to city council as though disapproved and shall become law unless overridden by the council as provided in subsection (c) above.

ARTICLE III.

ADMINISTRATIVE AFFAIRS

Section 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 or alter 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 heads 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 appointive officers and heads of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a head of each department or agency who shall be its principal officer. Each department head shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of their department or agency.

(e) All department heads under the supervision of the city manager shall be nominated by the city manager with confirmation of appointment by the city council. The city manager may suspend or remove directors under the city manager's supervision which suspension shall be effective immediately following the city manager giving written notice of such action and the reasons therefor to the department head involved and to the city council. The department head involved may appeal to the city council which, after a hearing, may override the city manager's action by a two-thirds (2/3) majority vote of council members present at such meeting.

Code reference--Departments, § 2-86 et seq.

Section 3.11. Boards, Commissions and Authorities.

(a) The city council shall create by ordinances such boards, commissions and authorities to fulfill any investigative, quasijudicial or quasilegislative 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 provide by charter or by law, no member of any board, commission, or authority created pursuant to paragraph (c) above 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 herein 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 they have executed and filed with the city manager an oath obligating themselves to faithfully and impartially perform the duties of their office, such oath to be prescribed by ordinance and administered by the mayor.

(g) Any member of a board, commission or authority may be removed from office for cause by a vote of four (4) members of the city council.

(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 chairman and one member as vice-chairman, and shall elect as its secretary one of its own members. 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 city manager.

Code reference--Boards, commissions and authorities, § 2-111 et seq.

Section 3.12. City Attorney.

The 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 representing and defending 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 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 of the city attorney by virtue of the position as city attorney. The city attorney shall serve at the discretion of the city council.

Section 3.13. City Clerk.

The city council may appoint a city clerk who shall not be a council member. The city clerk shall be custodian of the official city seal; maintain council records required by this charter; and perform such other duties as may be required by city council or delegated by the city manager.

Section 3.14. City Treasurer.

The city council may appoint a financial officer to collect all taxes, licenses, fees, and other monies belonging to the city subject to the provisions of this charter and the ordinances of the city, and to enforce all

laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes. The financial officer shall also be responsible for the general duties of a treasurer and fiscal officer.

Section 3.15. City Accountant.

The city council shall appoint a city accountant to perform the duties of an accountant. The city accountant shall serve at the discretion of the city council.

Section 3.16. Position Classification and Pay Plans.

The city manager 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.

Section 3.17. Personnel Policies.

The city council shall adopt rules and regulations consistent with this charter concerning:

(1) The method of employee selection and probationary periods of employment;

(2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;

(3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;

(4) Such dismissal hearings as due process may require; and

(5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

Section 3.18. Consolidation of Functions.

The council may consolidate any two or more of the positions of city clerk, city treasurer, city manager, city tax collector, or of any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions.

ARTICLE IV.

JUDICIAL BRANCH*

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*Code reference--Municipal court, § 30-26 et seq.

Section 4.10. Creation; Name.

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

Section 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 they shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the city council and shall serve at the discretion of the city council.

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

(d) Judges may be removed for cause by a vote of a majority of the members present at the regular meeting of the city council.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that they will honestly and faithfully discharge the duties of their office to the best of their 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.

Section 4.12. Convening.

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

Section 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 three hundred dollars ($300.00) or ten (10) days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of Three Thousand Five Hundred ($3,500.00) Dollars or imprisonment for 90 days or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now, or hereafter provided by state law or local ordinance.

(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 the superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash

or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, their bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two (2) days before a hearing on the rule nisi. In the event 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 courts 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.

(i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to mayor's, recorder's and police courts, and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Section 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 Courts of Franklin, Madison and Hart Counties under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Section 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 superior courts. The rules and regulations made or adopted shall be filed with the city manager, 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 said proceedings.

ARTICLE V.

ELECTIONS AND REMOVAL*

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*Code reference--Elections, ch. 34.

Section 5.10. Applicability of General Law.

All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code, O.C.G.A. § 21-3-1 et seq., as now or hereafter amended.

Section 5.11. Election of the City Council and Mayor.

(a) There shall be a municipal general election biennially on the first Tuesday following the first Monday in November of each odd-numbered year.

(b) The mayor and three council members who were elected to their respective offices at the municipal general election in 1990, and any person appointed or elected to fill a vacancy in those offices, shall continue to serve out their respective terms of office which shall expire December 31, 1993, and upon the election and qualification of their respective successors. Those successors shall be elected at the municipal general election in 1993, shall take office the first day of January, 1994, and shall serve for terms of office of four years each and until their respective successors are elected and qualified.

(c) The three council members who were elected to their respective offices at the municipal general election in 1991, and any person appointed or elected to fill a vacancy in those offices, shall continue to serve out their respective terms of office which shall expire December 31, 1995, and upon the election and qualification of their respective successors. Those successors shall be elected at the municipal general election in 1995, shall take office the first day of January, 1996, and shall serve for terms of office of four years each and until their respective successors are elected and qualified.

(d) After successors are elected pursuant to subsections (b) and (c) of this section, successors to the mayor and council members whose terms of office are to expire shall be elected at the municipal general election immediately preceding the expiration of such terms and shall take office the first day of January immediately following that election and serve for terms of office of four years each and until their respective successors are elected and qualified.

Section 5.12. Nonpartisan Elections.

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

(b) The person receiving a plurality of the votes cast for any city office shall be elected.

Section 5.13. Special Elections; Vacancies.

In the event of a vacancy occurring in the office of mayor or council member for any reason other than expiration of term, that vacancy shall be filled as provided in this section:

(1) If the vacancy occurs within the first two years of the term of the vacated office but at least 35 days before the municipal general election to be held within those first two years, then the members of the council, or the remaining members thereof if the vacancy is in the office of a council member, by majority vote shall appoint, within 15 days after the vacancy occurs, a successor to fill that vacancy until it is filled for the remaining unexpired term by a person who shall be elected at a special election held upon the same date as that municipal general election. The election superintendent of the City of Royston shall conduct that special election on the same date as that municipal general election and shall issue the call therefor not less than 30 days nor more than 45 days prior to that date. The person elected at such special election to fill that vacancy shall take office within ten days after the results of that election are certified and shall serve out the remaining unexpired term and until a successor is elected and qualified;

(2) If the vacancy occurs at any time other than as specified in paragraph (1) of this section, then the members of the council, or the remaining members thereof if the vacancy is in the office of a council member, by majority vote shall appoint, within 15 days after the vacancy occurs, a successor to serve out the remaining unexpired term and until a successor is elected and qualified; and

(3) The provisions of O.C.G.A. § 21-3-1 et seq. shall apply to special elections to fill vacancies provided for in this section.

Section 5.14. Other Provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Municipal Election Code.

Section 5.15. Removal of Officers.

(a) The mayor, council members, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

(1) Incompetence, misfeasance or a malfeasance in office;

(2) Conviction of a crime involving moral turpitude;

(3) Failure at any time to possess any of the qualifications of office as provided by this charter or by law;

(4) Knowingly violating any express prohibition of this charter;

(5) Abandonment of office or neglect to perform the duties thereof;

(6) Failure for any other cause to perform the duties of office as required by this charter or by state law; or,

(7) Knowingly violating Section 2.31 of this charter dealing with council interference with administration.

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

(1) By the vote of a majority of council members present after an investigative hearing. 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 (10) days after the service of such written notice. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the city council to the Superior Courts of Franklin, Hart or Madison Counties. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

(2) By an order of the Superior Courts of Franklin, Hart or Madison Counties following a hearing on a complaint seeking such removal brought by any resident of the City of Royston.

ARTICLE VI.

FINANCE*

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*Code references--Finance, § 2-191 et seq.; taxation, ch. 66.

Section 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.

Section 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.

Section 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. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling therein to the extent such persons have a

constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions or callings 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.

Code reference--Occupation tax, § 22-31 et seq.

Section 6.13. Licenses; Permits; Fees.

The city council by ordinance shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity, and if unpaid, shall be collected as provided in Section 6.18. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitates.

Section 6.14. Franchises.

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, cable television, 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 manager in a registration book kept by the city manager. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Section 6.15. Service Charges.

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 goods or services provided or made available within and without 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.

Section 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.

Section 6.17. Construction, Other Taxes.

This city shall be empowered to levy any other tax 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.

Section 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 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. fa.'s; 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 licenses for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

Section 6.19. General Obligations 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 said issue is undertaken.

Section 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.

Section 6.21. Shortterm Loans.

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

Section 6.22. 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.

Section 6.23. Preparation of Budgets.

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 program and a capital budget, including requirements as to the scope, content and form of such budgets and programs.

Section 6.24. Submission of Operating Budget to City Council.

On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the city manager 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 city manager 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 comments and

information as the city manager may deem pertinent. The operating budget and the capital improvements budget hereinafter provided for, the budget message and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.

Section 6.25. Action by City Council on Budget.

(a) The city council may amend the operating budget proposed by the city manager; 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, and 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 30 days prior to the beginning of each fiscal year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the 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 6.23.

(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.

Section 6.26. Tax Levies.

Following adoption of the operating budget, 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.

Section 6.27. Changes in Appropriations.

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

Section 6.28. Capital Improvements Budget.

(a) On or before the date fixed by the city council but no later than 45 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements budget with the city manager's recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. 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 improvements budget, except to meet a public emergency as provided in Section 2.24.

(b) The city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year. No appropriation provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the city manager may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by the city manager's recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by ordinance.

Section 6.29. 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 accounting principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing costs to the public.

Section 6.30. 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 2.21.

[Section 6.31. Reserved.]

Section 6.32. Sale of City Property.

(a) The city council may sell and convey 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 city manager 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 city manager to execute and deliver in the name of the city a deed conveying said cut off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley or public place when such swap is deemed to be in the best interest of the city. 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

Section 7.10. Bonds for Officials.

The officers and employees of this city, both elective and appointive, 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.

Section 7.11. Prior Ordinances.

All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

Section 7.12. First Election Under This Charter.

The first election shall be held on the Tuesday next following the first Monday in November, 1993, at which time the positions held by Mayor Steve Williams, Councilmen Herbert Norton, David Pressley and Paul Crawford shall be filled.

Section 7.13. Existing Personnel and Officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect for a period of 60 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointive officers required or desired and arranging such titles, rights, privileges and powers as may be required or desired to allow a reasonable transition.

Section 7.14. 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.

Section 7.15. 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.

Section 7.16. 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.

Section 7.17. Effective Date.

This charter shall become of full force and effect on June 1, 1992.

Section 7.18. Specific Repealer.

An Act incorporating the City of Royston in the Counties of Franklin, Hart, and Madison approved March 27, 1985, (1985 Ga. Laws, page 4286), is repealed in its entirety.

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Royston, Georgia," and may be so cited.

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

In the construction of this Code and of all ordinances and resolutions, the following rules shall govern, 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. "Charter" shall mean the Charter of the City of Royston, Georgia.

City. "City" shall mean the City of Royston, Georgia.

City council. "City council" shall mean the city council of the City of Royston, Georgia.

Code. "Code" shall mean this Code of Ordinances, City of Royston, 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. "Corporate limits" shall mean the corporate limits of the City of Royston.

County. Whenever the words "county," "the county" or "this county" are used they shall refer to Franklin County, Hart County or Madison County, Georgia, as applicable.

Court. "Court" shall mean the municipal court provided by law for the punishment of offenders against the laws or ordinances of the city, whether it 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 shall include 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 the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

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

Month, year. "Month" and "year" shall 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 Royston" 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 the trade or with reference to the subject matter.

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

Oath. "Oath" includes affirmation.

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

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

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

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

Property. "Property" includes real and personal property.

Schedule of fees and charges. "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 city 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. "Shall" is mandatory; "may" is permissive.

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

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

Street. "Street" shall include 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 shall include the future.

Writing. "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; 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.

(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 References: 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 repealed ordinance 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 repealed ordinance.

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 References: 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 in this Code. 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 city 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: "That section_____of the Code of Ordinances, City of Royston, Georgia, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, City of Royston, 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 section 1-12.

Sec. 1-8. Supplementation of Code.

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

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

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

(1) Organize the ordinance material into appropriate subdivisions.

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections_____to_____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).

(5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

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 the 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 the corporation or unincorporated association or organization for the violation by it of any provisions of this Code, where the 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.

(5) Any right or franchise granted by the city.

(6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city.

(7) Any appropriation ordinance.

(8) Any ordinance which, by its own terms, is effective for a stated or limited term.

(9) Any ordinance providing for local improvements and assessing taxes therefor.

(10) Any zoning ordinance.

(11) Any ordinance dedicating or accepting any subdivision plat.

(12) Any ordinance describing or altering the boundaries of the city.

(13) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code.

(14) Any ordinance levying or imposing taxes not included in this Code.

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

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 in this Code.

Sec. 1-12. General penalty.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of an act is required or the failure to do an act is declared to be unlawful, unless otherwise provided by state law, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding $1,000.00, and by imprisonment in the city or county jail not to exceed six months, and to work on the city streets and public works not exceeding 60 days. Any one or more of these punishments may be inflicted, and the fines imposed therefor may be collected by execution. Each day any such violation shall continue shall be a separate offense.

State Law References: Penalty to be imposed in certain criminal and traffic cases and upon violation of bond, O.C.G.A. § 15-21-73; alternative punishments for violations of municipal ordinances involving a traffic offense, O.C.G.A. § 17-10-3(e); confinement of violators of ordinances, O.C.G.A. § 36-30-8; authorization to impose any punishment up to the maximum specified by general law, O.C.G.A. § 36-32-1(c); limitations on home rule powers, O.C.G.A. § 36-35-6; jurisdiction of municipal courts over misdemeanor traffic offenses, O.C.G.A. § 40-13-21(a); revenues collected from fines and fees, O.C.G.A. § 47-17-60 et seq.

Chapter 2

ADMINISTRATION*

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* **Editors Note:** Regulations pertaining to city employees on such subjects as employment policy, employee benefits and leaves of absence, travel and employee appraisals are contained in the City of Royston Personnel Policies and Procedures Manual which is compiled and published separately by the city. An official copy of such manual is on file in the office of the city clerk.

Cross References: Elections, ch. 34; administration of the zoning ordinance, app. A, art. XII; administration of the manufactured home regulations, app. C, art. VIII.

State Law References: Home rule for municipalities, Ga. Const. art. 9, sec. 2, par. 2; supplemental powers of municipalities and counties enumerated, Ga. Const. art. 9, sec. 2, par. 3; provisions applicable to municipal corporations only, O.C.G.A. § 36-10-1 et seq.; incorporation of municipal corporations, O.C.G.A. § 36-31-1 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; the Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 et seq.; provisions applicable to counties and municipalities, O.C.G.A. § 36-60-1 et seq.; provisions applicable to counties, municipal corporations and other governmental entities, O.C.G.A. § 36-80-1 et seq.

Article IV. Boards, Commissions and Authorities

Division 1. Generally

Division 2. Planning Commission

Division 3. Downtown Development Authority

Division 4. Hospital Authority

Division 5. Historic Preservation Commission

Article V. Finance

Article VI. Identity Theft Prevention Program

ARTICLE I.

IN GENERAL

Sec. 2-1 Resolution of land disputes over annexation.

(a) Prior to initiating any formal annexation activities, the city will notify the county government of a proposed annexation and provide information on location of property, size of area, and proposed land use or zoning classification(s) (if applicable) of the property upon annexation. Cities should not validate a petition for annexation or adopt a resolution of intent to annex prior to completion of this annexation dispute resolution process.

Within 15 working days following receipt of the above information, the county will forward to the city a statement either;

(1) Indicating that the county has no objection to the proposed land use for the property; or

(2) Describing its bona fide objection(s) to the city's proposed land use classification, providing supporting information, and listing any possible stipulations or conditions that would alleviate the county's objection(s).

(b) If the county has no objection to the city's proposed land use or zoning classification, the city is free to proceed with the annexation. If the county fails to respond to the city's notice in writing within the deadline, the city is free to proceed with the annexation and the county loses its right to invoke the dispute resolution process, stop the annexation or object to land use changes after annexation.

(c) If the county notifies the city that it has a bona fide land use classification objection(s), as defined in O.C.G.A. § 36-36-11(b), the city will respond to the county in writing within 15 working days of receiving the county's objection(s) either:

(1) Agreeing to implement the county's stipulations and conditions and thereby resolving the county's objection(s);

(2) Agreeing with the county and stopping action on the proposed annexation;

(3) Disagreeing that the county's objection(s) are bona fide and notifying the county that the city will seek a declaratory judgment in court; or

(4) Initiating a 30-day (maximum) mediation process to discuss possible compromises. At this point, it is important to notify the property owner(s) of the status of his annexation request.

(d) If the city or county initiates mediation, the city and county will each appoint two members to a mediation panel. These four individuals will then select a fifth panel member who is familiar or experienced in land use issues. The Georgia Mountains RDC will provide a list of mediators to the city and county for their selection of a mediator to assist in the process. Any costs associated with the mediation will be shared on a 50/50 basis between the city and county.

(e) If no resolution of the county's bona fide land use classification objection(s) results from the mediation, the city will not proceed with the proposed annexation.

(f) If the city and county reach agreement as described in (c)(1) or as a result of mediation, they will draft an annexation agreement for execution by the city and county governments and the property owner(s) within 15 working days from the date of the agreement.

Regardless of future changes in land use or zoning classification, any site specific mitigation or enhancement measures or site design stipulations included in the agreement will be binding on the property. The property owner(s) shall sign, notarize and return the agreement to the city. The agreement shall become final when signed by the city and the county and shall be filed at the courthouse.
(Res. of 7-1-98, §§ 1--6)

Sec. 2-2. Volunteer firemen, certified volunteer policemen and elected officials covered under workers' compensation.

Volunteer firemen, volunteer policemen and elected officials shall be covered under the GMA workers' compensation self insurance fund while performing their duties on behalf of the city.
(Res. of 1-14-97, § I)

Secs. 2-3--2-25. Reserved.

ARTICLE II.

CITY COUNCIL

DIVISION 1.

GENERALLY

Sec. 2-26. Standing committees.

The following shall be the standing committees of the city council:

(1) Personnel, budget, finance, taxes and business licenses;

(2) Police, library and city hall;

(3) Gas and cemetery;

(4) Water, sewer and building permits;

(5) Fire, zoning, parks and recreation;

(6) Streets, sanitation and shop.

(Code 1984, § 3-205)

Sec. 2-27. Elections.

All elections by the city council shall be by ballot, and a majority vote of the whole council shall be necessary to an election.

(Code 1984, § 3-206(12))

Secs. 2-28--2-40. Reserved.

DIVISION 2.

MEETINGS*

* **State Law References:** Meetings to be open to public, O.C.G.A. § 50-14-1; excluded proceedings, O.C.G.A. § 50-14-3; due notice requirements for other than regular meetings, O.C.G.A. § 50-14-1(d); requirement to prescribe the time, place and dates of regular meetings of governing authority, O.C.G.A. § 50-14-1(d).

Sec. 2-41. Time, place of regular meetings.

The city council shall hold regular meetings at the Royston City Hall, Royston, Georgia, on the second Tuesday of each month at 7:00 p.m.

(Code 1984, § 3-204)

Charter References: Regular and special meetings, § 2.19.

Sec. 2-42. Duty to attend.

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

(Code 1984, § 3-204(2))

Sec. 2-43. Rules for conduct of business.

Except as otherwise provided in this division, Robert's Rules of Order, Newly Revised, shall govern the conduct of city council meetings.

(Code 1984, § 3-206)

Charter References: Rules of procedure, § 2.20.

Sec. 2-44. Presiding officer; call to order.

All meetings of the council shall be open to the public. The mayor, or in his absence, the mayor pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special, or called meeting; and shall immediately call the council to order.
(Code 1984, § 3-206(1))

Sec. 2-45. Order of business.

The business for the city council shall be taken up for consideration and disposition in the following order:

(1) Call to order by presiding officer.

(2) Approval of minutes of previous meeting.

(3) Petitions and communications.

(4) Reports of standing committees.

(5) Reports of special committees.

(6) Unfinished business.

(7) New business.

(8) Adjournment.
(Code 1984, § 3-206(4))

Sec. 2-46. Reading of minutes.

Unless a reading of the minutes of a city council meeting is requested by a councilmember, the minutes may be approved without a reading if the city clerk has previously furnished each member with a copy thereof.
(Code 1984, § 3-206(5))

Sec. 2-47. Reports by committees.

(a) Any business coming before the city council concerning the subject matter of which any standing or special committee has jurisdiction may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the mayor or by the city council, or any member of the city council, to examine any matter referred to such committee, and make a report thereof at the next regular meeting of the city council, or show good cause why no report is made. Such reports shall not be in writing unless so directed by the presiding officer.

(b) Each standing committee shall examine into the condition the matters within its jurisdiction, and make such reports and recommendations from time to time as may be necessary.
(Code 1984, § 3-206(6))

Sec. 2-48. Manner of addressing council.

No member, while the city council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.
(Code 1984, § 3-206(7))

Sec. 2-49. Limitations on addressing council.

Any person not a member of the city council who desires to address the council shall first secure the permission of the presiding officer to do so, and then shall step up in front of the rail, give his name and address in an audible tone of voice for the record, and direct his remarks to the council as a body rather than to any particular member, limiting such remarks to ten minutes unless additional time is granted by the council.
(Code 1984, § 3-206(8))

Sec. 2-50. Questions of order.

The presiding officer shall decide all questions of order, but any councilmember who is dissatisfied with the decision may appeal to the city council in the manner provided by Robert's Rules of Order, Newly Revised, for appealing from decisions of presiding officers.
(Code 1984, § 3-206(11))

Secs. 2-51--2-60. Reserved.

DIVISION 3.

ADOPTION OF RESOLUTIONS, CONTRACTS AND INTERLOCAL AGREEMENTS*

* **Charter References:** Ordinance form; procedures, § 2.22.
Cross References: Zoning ordinance amendment procedures, app. B.
State Law References: Ordinances of a city council not to bind succeeding councils, O.C.G.A. § 36-30-3; authority to adopt municipal ordinances, resolutions or regulations, O.C.G.A. § 36-35-3.

Sec. 2-61. Generally.

Unless otherwise provided in this Code, all resolutions, contracts and interlocal agreements of the city shall be prepared, approved, introduced, and adopted in the manner set out in this division.
(Code 1984, § 3-206(9))

Sec. 2-62. Administrative staff approval.

All resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative, and shall have been examined and approved for administration by the mayor or his authorized representative where there are substantive matters of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the resolution or contract document would

devolve and be approved by the department head; provided, however, that if approval is not given, the instrument shall be returned to the mayor with a written memorandum of the reasons why approval is withheld. If the questioned instrument is not redrafted to meet a department head objection, or objection is not withdrawn and approval in writing given, the mayor shall so advise the council and give the reasons advanced by the department head for withholding approval.
(Code 1984, § 3-206(9)(b))

Sec. 2-63. Introduction and adoption.

Resolutions and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, except that the mayor or city attorney may present resolutions and other matters or subjects to the council, and any councilmember may assume sponsorship thereof by moving that such resolutions, matters or subjects be adopted.
(Code 1984, § 3-206(9)(c))

Sec. 2-64. Tallying of vote.

A resolution or contract shall be deemed adopted or approved when it receives the affirmative vote or majority of the whole council. For the purposes of tallying such vote an abstention shall be deemed a negative vote.
(Code 1984, § 3-206(5)(c))

Sec. 2-65. Recording of vote.

Whenever any councilmember shall request it the yeas and nays of the members present shall be recorded on the minutes on any question taken.
(Code 1984, § 3-206(10))

Secs. 2-66--2-85. Reserved.

ARTICLE III.

DEPARTMENTS*

* **Charter References:** Administrative and service departments, § 3.10.

Sec. 2-86. Departments specified.

The following departments are declared to be subject to the operational control of the policies and procedures set forth in the city's personnel policies and procedures manual and are named and created as follows:

(1) Department of administration.

(2) Fire department.

(3) Gas department.

(4) Police department.

(5) Street and sanitation department.

(6) Water and sewer department.

Sec. 2-87. Operation of administrative and service departments.

All units in the administrative and service departments shall:

(1) Be open between the hours of 8:00 a.m. and 5:00 p.m. on weekdays and shall be closed on Saturday, Sunday and legal holidays as determined from time to time by the city council.

(2) Make a daily deposit with the city treasurer of any monies received directly from the public.

(3) Pay out monies belonging to the city only in the manner prescribed herein.

(Code 1984, § 3-103)

Secs. 2-88--2-110. Reserved.

ARTICLE IV.

BOARDS, COMMISSIONS AND AUTHORITIES*

* **Charter References:** Boards, commissions and authorities, § 3.11.

DIVISION 1.

GENERALLY

Secs. 2-111--2-120. Reserved.

DIVISION 2.

PLANNING COMMISSION*

* **Cross References:** Buildings and building regulations, ch. 18; businesses, ch. 22; signs, ch. 54; zoning, app. A.
State Law References: Coordinated and comprehensive planning by counties and municipalities, O.C.G.A. § 36-70-1 et seq.

Sec. 2-121. Composition; appointment; term.

The municipal planning commission shall consist of five members appointed by the mayor by and with the advice and consent of the city council. Except for the initial appointments, the terms of the members shall be for three years each. Two of the members first appointed shall be appointed for a three-year term, two shall be appointed for a two-year term, and one shall be appointed for a one-year term. Members shall serve until their successors are appointed.
(Code 1984, § 3-801(2))

Sec. 2-122. Vacancies.

Vacancies on the planning commission shall be filled by appointments for unexpired terms only and in the same manner as for original appointments.
(Code 1984, § 3-801(3))

Sec. 2-123. Removal.

Any member of the planning commission may be removed by the mayor or city council for cause after written notice and a public hearing.
(Code 1984, § 3-801(4))

Sec. 2-124. Compensation.

All members of the planning commission shall serve without compensation.
(Code 1984, § 3-801(5))

Sec. 2-125. Officers, rules of procedure.

The planning commission shall elect one of its members as chairperson who shall serve for one year or until such person is reelected or a successor is elected. A second appointive member shall be elected as vice-chairperson and shall serve for one year or until such person is reelected or a successor is elected. The commission shall appoint a secretary, who may be an officer or employee of the city or of the planning commission. The planning commission shall meet at least once each month at the call of the chairperson and at such other times as the

chairperson or commission shall determine, shall adopt rules for the transaction of business, and shall keep a record of its proceedings, which record shall be open to public inspection. Employees and staff may be appointed by the planning commission as necessary.
(Code 1984, § 3-801(6))

Sec. 2-126. Powers and duties.

The planning commission shall make careful and comprehensive surveys and studies of existing conditions and probable future developments and prepare plans for physical, social and economic growth in an effort to promote the public health, safety, morals, convenience, prosperity, or general welfare of the city. In carrying out its objectives the planning commission shall have the following specific powers and duties:

(1) Prepare a master plan or parts thereof for the development of the city.

(2) Prepare and recommend for adoption a zoning ordinance and map for the city.

(3) Prepare and recommend for adoption regulations for the subdivision of land within the city limits and to administer the regulations that may be adopted.

(4) Prepare and recommend for adoption a plat or plats or an official map showing the exact location of the boundary lines of existing, proposed, extended, unlined or narrowed streets, public open spaces, or public building sites and provide for the regulation of construction of buildings or other structures with such lines.

(5) Cooperate with, contract with or accept funds from federal, state or local public or quasi-public agencies and to expend such funds.

(6) Exercise all other powers and duties conferred upon municipal planning commissions by O.C.G.A. §§ 36-34-2 and 36-70-3 and by any other provisions of state law.

(Code 1984, § 3-801(7))

Secs. 2-127--2-145. Reserved.

DIVISION 3.

DOWNTOWN DEVELOPMENT AUTHORITY*

* **Cross References:** Buildings and building regulations, ch. 18; businesses, ch. 22; zoning, app. A.

Sec. 2-146. Activation.

There is hereby activated in the city the public body corporate and politic known as the Downtown Development Authority of the City of Royston, referred to in this division as the downtown development authority, which was created upon the adoption and approval of the Downtown Development Authorities Law, 1981 Ga. Laws, page 1744, and particularly section 2 thereof.

(Res. of 12-19-85)

Sec. 2-147. Purpose.

There is hereby determined and declared to be a pressing, existing and future need for a downtown development authority, as more fully defined and described in the Downtown Development Authorities Law, 1981 Ga. Laws, page 1744, as amended, to function in the city for the purpose of developing and promoting for the public good and general welfare, trade, commerce, industry and employment opportunities by revitalizing and redeveloping the downtown development area of the city.

(Res. of 12-19-85)

Sec. 2-148. Board of directors.

There are hereby elected seven members of the board of directors of the downtown development authority of the city, all of whom are taxpayers residing in the city, and not less than four of whom are persons who, in the judgment of the city council, either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area of the city.
(Res. of 12-19-85)

Sec. 2-149. Terms; successors.

Commencing with the date of adoption of the resolution from which this division is derived by the city council, of the persons named as directors, two shall serve for a term of two years; two shall serve for a term of three years; and three shall serve for a term of three years; and if at the end of term of any term of office of any director a successor thereto shall not have been elected as provided in the Downtown Development Authorities Law, 1981 Ga. Laws, page 1744, then the director whose term of office has expired shall continue to hold office until his successor shall be so elected.
(Res. of 12-19-85)

Sec. 2-150. Compliance with Downtown Development Authorities Law.

The board of directors elected in section 2-148 shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms andprovisions of the Downtown Development Authorities Law, 1981 Ga. Laws, page 1744, as it now exists and as it might hereafter be amended or modified.
(Res. of 12-19-85)

Sec. 2-151. Designation of area.

The downtown development area of the city shall be defined and designated as follows: All zoned areas within the corporate limits of the city as of the date of the resolution from which this division is derived, except areas zoned agricultural as shown on an accurate zoning map of the city.
(Res. of 12-19-85)

Secs. 2-152--2-170. Reserved.

DIVISION 4.

HOSPITAL AUTHORITY

Sec. 2-171. Activation.

There is hereby activated the public body corporate and politic known as the Hospital Authority of the City of Royston, Georgia, referred to in this division as the hospital authority, which was created upon the adoption and approval of the Hospital Authorities Law, O.C.G.A. § 31-7-70 et seq.
(Res. of 11-12-91)

Sec. 2-172. Purpose.

There is hereby determined and declared to be a present and future need for a hospital authority, as more fully described and defined in the Hospital Authorities Law, O.C.G.A. § 31-7-70 et seq., to function in the city and its environs.
(Res. of 11-12-91)

Sec. 2-173. Board of directors.

There are hereby appointed five members of the first board of directors of the hospital authority, each of whom is a taxpayer of the city residing in the city and none of whom are officers of or employees of the city.
(Res. of 11-12-91)

Sec. 2-174. Terms.

Commencing with the date of adoption of the resolution from which this division is derived, of the persons named as directors, one shall serve for a term of six years; one for a term of five years; one for a term of four years; one for a term of three years; and one for a term of two years.
(Res. of 11-12-91)

Sec. 2-175. Compliance with Hospital Authorities Law.

The board of directors elected in section 2-173 shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Hospital Authorities Law, O.C.G.A. § 31-7-70 et seq., as it now exists and as it might hereafter be amended or modified.
(Res. of 11-12-91)

Secs. 2-176--2-180. Reserved.

DIVISION 5.

HISTORIC PRESERVATION COMMISSION*

* **Editors Note:** An ordinance adopted on Mar. 4, 2002, pertaining to the historic preservation commission, added provisions to the Code, but did not specify manner of codification. Therefore, at the discretion of the editor, said provisions have been included as div. 5, §§ 2-181--2-187 of ch. 2 herein.

Sec. 2-181. Purpose.

In support and furtherance of its findings and determinations that the historical, cultural and aesthetic heritage of the city is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The city council hereby declares it to be the purpose and intent of this article to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of this article.
(Ord. of 3-4-2002, § I)

Sec. 2-182. Definitions.

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to an historically related complex such as a courthouse and hail or a house and barn.

Certificate of appropriateness means a document evidencing approval by the historic 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 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 historical 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 or 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 2-184(b) of this article.

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 an historic property pursuant to the criteria established in section 2-184(c) of this article.

Material change in appearance means a change that will affect either the exterior architectural or environmental features of an historic property or any building, structure, site, object, or landscape feature within an historic district, such as:

(1) A reconstruction or alteration of the size, shape or facade of an historic property, including relocation of any doors or windows or removal or alteration of any architectural features, detail

or elements;

(2) Demolition or relocation of an 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 an historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Object means 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 inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.
(Ord. of 3-4-2002, § II)

Sec. 2-183. Creation of an historic preservation commission.

(a) *Creation of the commission.* There is hereby created a commission whose title shall be "Royston Historic Preservation Commission" (hereinafter "commission").

(b) *Commission position within the city.* The preservation commission shall be part of the planning functions of the city.

(c) *Commission members: number, appointment, terms and compensation.* The commission shall consist of three 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.

To the extent available in the city, at least two members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions and at least one member shall be appointed from among professionals in the disciplines of building construction or real property appraisal.

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: one member for two years; and two members for three years. Members shall not receive a salary, although they may be reimbursed for expenses.

(d) *Statement of the commission's powers.* The 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 applications for certificates of appropriateness, and grant or deny same in accordance with the provisions of this article;

(4) Recommend to the city council that the designation of any district, site, building, structure or object as an 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 5);

(7) Conduct educational programs on historic properties located within the city and on general historic preservation activities;

(8) Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, the city council or the 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 or historic districts designated;

(11) Perform historic preservation activities as the official agency of the Royston 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 to 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 preservation commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designations and certificates of appropriateness, such as by-laws, removal of membership provisions, and design guidelines and criteria. The preservation commission shall have the flexibility to adopt rules and standards without amendment to this article. 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 set forth in Georgia Statutes and in the City of Royston 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 resolutions, proceedings and actions.
(Ord. of 3-4-2002, § III)

Sec. 2-184. Recommendations and designation of historic districts and properties.

(a) *Preliminary research by commission.*

(1) Commission's mandate to conduct a survey of local historical resources. The commission shall compile and collect information and conduct surveys of historic resources within the city.

(2) Commission's 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) Commission's 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, non-contributing) of individual properties therein, or showing boundaries of individual historic properties;

d. A statement justifying district or individual property boundaries;

e. Representative photographs.

(b) *Designation of an historic district.*

(1) Criteria for selection of historic districts. An historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:

a. Have special character or special historic/aesthetic value or interest;

b. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

(2) Boundaries of an historic district. 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.

(3) Evaluation of properties within historic districts. Individual properties within historic districts shall be classified as:

a. Contributing (contributes to the district);

b. Non-contributing (does not contribute to the district, as provided for in b.1).

(c) *Designation of an historic property.*

(1) Criteria for selection of historic properties. 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 nation, city, or the state, for one of the following reasons:

a. It is an outstanding example of a structure representative of its era;

b. It is one of the few remaining examples of a past architectural style;

c. 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

d. It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, 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:

a. For historic districts--An historical society, neighborhood association or group of

property owners may apply to the commission for designation;

b. For historic properties--An historical society, neighborhood association or property owner may apply to the commission for designation.

(2) Required components of a designation ordinance. 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 name(s) of the owner(s) of the designated property or 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 kept as a public record to provide notice of such designation.

(3) Require public hearings. The commission and 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 via the United States mail to the last-known owner of the property shown on the city tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this division.

(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 section 2-184(a)(3), 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) City council action 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 amendments it deems 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 owner 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 via the United States mail to the last-known owner of the property shown on the city tax digest and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

(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 application 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 3-4-2002, § IV)

Sec. 2-185. Application to preservation commission for certificate of appropriateness.

(a) *Approval of material change in appearance in historic districts involving historic properties.* After the designation by ordinance of an historic property or of an historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site or object within such historic district, shall be made or 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 drawings, photographs, plans and documentation 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 for certificates of appropriateness; notices, and right to be heard.* The commission shall hold a public hearing at which each proposed certificate of appropriateness is discussed. 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 time frame 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 for certificate of appropriateness; 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.

(1) The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) 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:

a. Reconstruction, alteration, new construction or renovation. The commission shall issue certificates of appropriateness for the above proposed actions if those action in design, scale, building material, setback and site features, and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

b. 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:

1. The historic character and aesthetic interest the building, structure or object contributes to its present setting.

2. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.

3. Whether the building, structure or object can be moved without significant damage to its physical integrity.

4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

c. Demolition. A decision by the commission approving or denying a certificate of appropriateness for demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by:

1. The historic, scenic or architectural significance of the building, structure, site, tree, or object.

2. The importance of the building, structure, site, tree, or object to the ambiance of a district.

3. 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.

4. Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city.

5. 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.

6. Whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.

7. 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 article 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 adherence to said provisions, or to interpret the meaning of said 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 historical 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 article. An undue hardship shall not be a situation of the person's own making.

(h) *Deadline for approval or rejection of application for certificate of appropriateness.*

(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 an 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 the 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 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 for certificate of appropriateness.*

(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 reasons, 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 or she so desires, may make modifications to the plans and may resubmit the application atany time after doing so.

(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 a case, no building permit shall be issued.

(j) *Requirement of conformance with certificate of appropriateness.*

(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 city council or the commission 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 ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

(k) *Certificate of appropriateness void if construction not commenced.* A certificate of appropriateness shall become void unless construction is commenced within six months of date of issuance. Certificates of appropriateness shall be issued for a period of 18 months and are renewable.

(l) *Recording applications for certificate of appropriateness.* The commission shall keep a public record of all applications for certificates of appropriateness, and of 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, of 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 section 2-185(h)(1) of the article 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, section 2-185(h)(2) of this article. 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 decisions of the city council may be taken to the Superior Court of Franklin County in the manner provided by law for appeals from conviction of the city ordinance violations.
(Ord. of 3-4-2002, § V)

Sec. 2-186. 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 an 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 or 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 openings which allow the elements and vermin to enter, 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 2-187 of this article and, at the discretion 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 article shall be construed as to exempt property owners from complying with existing city of county building and zoning codes, nor to prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.
(Ord. of 3-4-2002, § VI)

Sec. 2-187. Penalty provisions.

Violations of any provisions of this division shall be punished in the same manner as provided for punishment of violations of validly enacted ordinances of the city.
(Ord. of 3-4-2002, § VII)

Secs. 2-188--2-190. Reserved.

ARTICLE V.

FINANCE*

* **Charter References:** Finance, art. VI.

State Law References: Power of expenditure, Ga. Const. art. 9, sec. 4, par. 2; discretion of municipal governing body as to management and disposition of property, O.C.G.A. § 36-30-2; acquisition, sale and lease by municipality of real and personal property, O.C.G.A. § 36-37-1 et seq.; disposition of municipal property, O.C.G.A. § 36-37-6; grants of state funds to municipal corporations, O.C.G.A. § 36-40-1 et seq.; multiyear lease, purchase or lease purchase contracts, O.C.G.A. § 36-60-13; local government budgets and audits, O.C.G.A. § 36-81-1 et seq.; requirement for governing authority to establish a fiscal year, O.C.G.A. § 36-81-3; appointment of budget officer, O.C.G.A. § 36-81-4; preparation of proposed budget, O.C.G.A. § 36-81-5; adoption of budget ordinance, O.C.G.A. § 36-81-6; accounting for public funds, O.C.G.A. § 45-8-1 et seq.; local political subdivision purchases, O.C.G.A. § 50-5-100 et seq.

Sec. 2-191. Fiscal year.

The city shall operate on a fiscal year which shall begin on July 1 and end on June 30.

(Code 1984, § 4-301)

ARTICLE VI.

IDENTITY THEFT PREVENTION PROGRAM

Sec. 2-192. Short title.

This article shall be known as the Identity Theft Prevention Program.
(Ord. of 4-14-2009, § 1)

Sec. 2-193. Purpose.

The purpose of this article is to comply with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.
(Ord. of 4-14-2009, § 1)

Sec. 2-194. Definitions.

For purposes of this article, the following definitions apply:

City means the City of Royston, Georgia.

Covered account means (i) an account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

Customer means a person that has a covered account with a creditor.

Identity theft means a fraud committed or attempted using identifying information of another person without authority.

Person means a natural person, a corporation, government or governmental subdivision or agency, trust,

estate, partnership, cooperative, or association.

Personal identifying information means a person's credit card account information, debit card information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

Red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

Service provider means a person that provides a service directly to the city.
(Ord. of 4-14-2009, § 1)

Sec. 2-195. Findings.

(a) The city is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

(b) Covered accounts offered to customers for the provision of city services include water, sewer, natural gas and sanitation.

(c) The city's previous experience with identity theft related to covered accounts is as follows: NONE

(d) The processes of opening a new covered account, restoring an existing covered account and making payments on such accounts have been identified as potential processes in which identity theft could occur.

(e) The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.

(f) The city determines that there is a moderate risk of identity theft occurring in the following ways:

(1) Use by an applicant of another person's personal identifying information to establish a new covered account;

(2) Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;

(3) Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;

(4) Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

(Ord. of 4-14-2009, § 1)

Sec. 2-196. Process of establishing a covered account.

(a) As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer: a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account. Such applicant shall also provide any information necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.

(b) Each account shall be assigned an account number and personal information number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.
(Ord. of 4-14-2009, § 1)

Sec. 2-197. Access to covered account information.

(a) Access to customer account shall be password protected and shall be limited to authorized city personnel.

(b) Such password(s) shall be changed by the city manager or finance director on a regular basis, shall be at least eight characters in length and shall contain letters, numbers and symbols.

(c) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the city manager and the password changed immediately.

(d) Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the city manager and the city attorney.
(Ord. of 4-14-2009, § 1)

Sec. 2-198. Credit card payments.

(a) In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

(b) All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.

(c) Account statements and receipts for covered accounts shall include only the last four digits of the credit card or debit card or the bank account used for payment of the covered account.
(Ord. of 4-14-2009, § 1)

Sec. 2-199. Sources and types of red flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

(1) *Alerts from consumer reporting agencies, fraud detection agencies or service providers.* Examples of alerts include but are not limited to:

a. A fraud or active duty alert that is included with a consumer report;

b. A notice of credit freeze in response to a request for a consumer report;

c. A notice of address discrepancy provided by a consumer reporting agency;

d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

i. A recent and significant increase in the volume of inquiries;

ii. An unusual number of recently established credit relationships;

iii. A material change in the use of credit, especially with respect to recently established credit relationships; or

iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

(2) *Suspicious documents.* Examples of suspicious documents include:

a. Documents provided for identification that appear to be altered or forged;

b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;

c. Identification on which the information is inconsistent with information provided by the applicant or customer;

d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or

e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

(3) *Suspicious personal identification, such as suspicious address change.* Examples of suspicious identifying information include:

a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:

i. The address does not match any address in the consumer report; or

ii. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.

d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.

e. The SSN provided is the same as that submitted by other applicants or customers.

f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(4) *Unusual use of or suspicious activity relating to a covered account.* Examples of suspicious activity include:

a. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.

b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:

i. The customer fails to make the first payment or makes an initial payment but no

subsequent payments.

c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

i. Nonpayment when there is no history of late or missed payments;

ii. A material change in purchasing or spending patterns;

d. An account that has been inactive for a long period of time is used.

e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.

f. The city is notified that the customer is not receiving paper account statements.

g. The city is notified of unauthorized charges or transactions in connection with a customer's account.

h. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

(5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

(Ord. of 4-14-2009, § 1)

Sec. 2-200. Prevention and mitigation of identity theft.

(a) In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to city clerk. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to city manager, who may in his or her discretion determine that no further action is necessary. If city manager in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by city manager:

(1) Contact the customer;

(2) Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:

a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or

b. Close the account.

(3) Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

(4) Notify a debt collector within three business days of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;

(5) Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or

(6) Take other appropriate action to prevent or mitigate identity theft.

(b) In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect [to] an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to city clerk. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to city manager, who may in his or her discretion determine that no further action is necessary. If city manager in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by city manager.

(1) Request additional identifying information from the applicant;

(2) Deny the application for the new account;

(3) Notify law enforcement of possible identity theft; or

(4) Take other appropriate action to prevent or mitigate identity theft.

(Ord. of 4-14-2009, § 1)

Sec. 2-201. Updating the program.

The city council shall annually review and, as deemed necessary by the council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the city council shall consider the following factors and exercise its discretion in amending the program:

(1) The city's experiences with identity theft;

(2) Updates in methods of identity theft;

(3) Updates in customary methods used to detect, prevent, and mitigate identity theft;

(4) Updates in the types of accounts that the city offers or maintains; and

(5) Updates in service provider arrangements.

(Ord. of 4-14-2009, § 1)

Sec. 2-202. Program administration.

[The] city clerk is responsible for oversight of the program and for program implementation. The city manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the city manager, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the city council for consideration by the council.

(1) The city clerk will report to the city manager at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

a. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

b. Service provider arrangements;

c. Significant incidents involving identity theft and management's response; and

d. Recommendations for material changes to the program.

(2) The city clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The city clerk shall exercise his or her discretion in determining the amount and substance of training necessary.

(Ord. of 4-14-2009, § 1)

Sec. 2-203. Outside service providers.

In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the city clerk shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the

performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.
(Ord. of 4-14-2009, § 1)

ARTICLE VII.

TREATMENT OF ADDRESS DISCREPANCIES

Sec. 2-204. Short title.

Treatment of Address Discrepancies.
(Ord. of 4-14-2009, § 2)

Sec. 2-205. Purpose.

Pursuant to 16 CFR § 681.1, the purpose of this section is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.
(Ord. of 4-14-2009, § 2)

Sec. 2-206. Definitions.

For purposes of this section, the following definitions apply:

City means City of Royston.

Notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.
(Ord. of 4-14-2009, § 2)

Sec. 2-207. Policy.

In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

(1) Compare the information in the consumer report with:

a. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(1);

b. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or

c. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or

(2) Verify the information in the consumer report with the consumer.
(Ord. of 4-14-2009, § 2)

Sec. 2-208. Furnishing consumer's address to consumer reporting agency.

(a) In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

(1) The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;

(2) The city establishes a continuing relation with the consumer; and

(3) The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

(b) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.
(Ord. of 4-14-2009, § 2)

Sec. 2-209. Methods of confirming consumer addresses.

The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

(1) Verifying the address with the consumer;

(2) Reviewing the city's records to verify the consumer's address;

(3) Verifying the address through third party sources; or

(4) Using other reasonable processes.
(Ord. of 4-14-2009, § 2)

Chapters 3--5

RESERVED

Chapter 6

ALCOHOLIC BEVERAGES*

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* **Editors Note:** An ordinance adopted Nov. 9, 2010, amended Ch. 6 to read as set out herein. Former Ch. 6, §§ 6-1--6-49, pertained to similar subject matter and derived from Code 1984, §§ 32-201, 32-203; an ordinance adopted Mar. 12, 1996, § 1; and an ordinance adopted Nov. 9, 1999, § 1(Exh. A).

Cross References: Amusements and entertainments, ch. 10; buildings and building regulations, ch. 18; businesses, ch. 22; offenses and miscellaneous provisions, ch. 42; parks and recreation, ch. 46; signs, ch. 54; taxation, ch. 66; alcoholic beverage excise taxes, § 66-26 et seq.; traffic and vehicles, ch. 70; zoning, app. A.

State Law References: Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

ARTICLE I.

GENERAL RULES AND REGULATIONS

Sec. 6-1. General policies and purpose.

(a) Alcoholic beverages may be sold in City of Royston only after the issuance of a license for such sale by the city and only in the manner permitted by said license. Alcoholic beverages may be sold in the city only by a licensee who complies with the rules and regulations of this chapter, and with the licensing, regulatory and revenue requirements of the State of Georgia.

(b) All licenses granted by the city for the sale of alcoholic beverages are a mere grant or privilege subject to all terms and conditions imposed by the city ordinance and state law and subject to being revoked by the mayor and council of the City of Royston.

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

(d) The purposes of this chapter include, but are not limited to, the following:

(1) Compliance with state law.

(2) Guarding against monopoly and concentration of the retail sale of alcoholic beverages in one group.

(3) Prevention and control of the sale of alcoholic beverages by unfit persons.

(4) Promotion of appropriate land use planning and zoning in accordance with the city's comprehensive zoning policies.

(5) Protection of schools, homes, churches, parks, and other institutions.

(6) Protection of the public health, safety, and general welfare.

(Ord. of 11-9-2010, § 1)

Sec. 6-2. Definitions.

As used in this chapter, the term:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

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

Applicant means any one or more persons applying for a license in the city or renewal thereof.

Application means those forms required by the city to be completed by persons applying for an original license or a renewal license under this chapter.

Beer and malt beverage means any alcoholic beverage obtained by the fermentation of any infusion of decoction of barley, malt, hops or any other similar product or any combination of such products in water, containing no more than six percent alcohol by volume and including ale, porter, brown stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine. The term "beer" is used interchangeably with "malt beverage".

Brew pub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form.

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

City shall mean City of Royston and when used in a geographical sense means the political subdivision of City of Royston.

City clerk shall mean the city clerk of [the] City of Royston or his/her designee.

Eating establishment means an establishment which is licensed to sell malt beverages or wines and which derives at least 40 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

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

Immediate family shall include the spouses, parents, children, brothers and sisters, related by blood or marriage.

License shall mean the formal approval granted or issued by the city to a licensee for the sale of alcoholic beverages within the City of Royston.

Licensee means the individual licensee and in the case of a partnership, corporation, private club, or nonprofit tax exempt organization, includes the partnership, corporation, private clubs, or nonprofit tax exempt organization and the named licensee.

Mayor and council shall mean the mayor and council of the City of Royston.

Outlet means the definite structure, whether a room, ship, store, building, restaurant, or club, in which activities permitted by this chapter are conducted.

Package means a bottle, can, keg, barrel, or other original consumer container.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private or quasi-public.

Police chief means the police chief of the City of Royston or his/her designee.

Premises shall mean not only the structure wherein an outlet for sale of alcoholic beverages is operated under a city license, but shall include all of the lot whereon said outlet is located, except where such outlet is located in a hotel or shopping center.

Retail consumption dealer means any person who sells malt beverages or wine for consumption on the premises at retail, only to consumers and not for resale.

Retailer or *retail dealer* means any person who sells alcoholic beverages either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.

Wholesaler or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume, made from fruits, berries, or grapes, either by fermentation, or natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term wine does not include cooking wine mixed with other ingredients to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

Zoning shall mean the zoning classifications as approved for the incorporated areas of City of Royston. (Ord. of 11-9-2010, § 1)

Sec. 6-3. Qualifications for issuance of a license.

Any person who desires to obtain a license for the retail sale of alcoholic beverages by the drink or by the package must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation having as its principal business the sale of alcoholic beverages, the majority stockholder and each principal officer of the corporation must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation having as its principal business an activity other than the sale of alcoholic beverages, the officer or employee of the corporation primarily responsible for the operation of the licensed premises must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as a part of the application process. If the applicant is a nonprofit tax exempt civic, patriotic, or social club or corporation which is organized and operating in the city as a mutual benefit membership group, such club or corporation may be licensed without reference to the financial interest qualifications of this section if no officer, director, trustee, manager, member, or stockholder therein can, in any event, derive any financial gain from the sale of alcoholic beverages by such club or corporation. The individual being primarily responsible for the club or corporation's compliance with this section must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a private club, each member of its governing body must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. The specific qualifications are as follows:

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

(2) No license for the sale of alcoholic beverages shall be issued to any person who is not a citizen of the United States or an alien lawfully admitted to this country as a permanent resident.

(3) No license for the sale of alcoholic beverages may be issued to an applicant under the following circumstances:

a. An applicant who has been convicted under any federal, state or local law of a felony, particularly, but not limited to, those offenses involving alcoholic beverages, gambling, tax law violations or violations relating to the Georgia Controlled Substances Act.

b. An applicant who has been convicted under any federal, state or local law of a misdemeanor involving alcoholic beverages, gambling, tax law violations or violations relating to the Georgia Controlled Substances Act, if such conviction indicates to the mayor and council that the applicant will not maintain the outlet for which he is seeking a license in conformity with the federal, state or local laws, rules, and regulations.

c. An applicant who has been convicted under any federal, state or local law of any felony or misdemeanor involving moral turpitude.

For purposes of subsections a. through c. above, a "conviction" under this chapter shall include any plea of guilty or admission of guilt and subsequent sentence under the First Offender Act of O.C.G.A. § 42-8-60, or any similar sentencing provision for the first offenders of any other state or of the United States. A plea of nolo contender for any felony or misdemeanor of any state or of the United States, or any municipal ordinance,

except traffic violations, or the forfeiture of a bond (except traffic offenses) when charged with a crime is also considered a conviction under this chapter.

d. An applicant who has been held in civil or criminal contempt by any federal, state or local court if such citation indicates to the mayor and council that the applicant will not maintain the outlet for which he is seeking a license in conformity with federal, state or local laws, rules, and regulations.

e. An applicant for a license to sell beer and wine for consumption on the premises license who has been denied or has had revoked for cause within five years of the date of his/her application any license issued to him/her by City of Royston and/or any other city, county and/or state to sell alcoholic beverages or an applicant for a package beer and wine license at an outlet in City of Royston at which the license at that outlet has been revoked for cause within five years of the date of the application.

f. An applicant as determined by the mayor and council, by reason of such applicant's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, who is not likely to maintain the outlet for which he is seeking a license in conformity with federal, state, or local laws.

g. A location not suitable in the judgment and discretion of the mayor and council due to one or more of the following conditions: evidence of detrimental traffic conditions caused by insufficient parking or insufficient means of ingress and egress for vehicles to the establishment; evidence that the location or the type of structure would create difficulty in law enforcement supervision or cause law enforcement to respond to a substantial increase in complaints; or, evidence that a license at the location would be detrimental to the property values in the surrounding area.

h. A location that is not in compliance with any federal, state or local regulation, including but not limited to, a state certificate of occupancy or state fire marshal certificate of approval if the noncompliance has not been remedied by the applicant within a period of three months from the date of the application.

(4) The applicant, whether it be an individual, a partnership, a corporation, a nonprofit tax exempt civic, patriotic, or social club, or a private club, shall be the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license. If the premises are leased, a copy of the lease will be furnished to the Royston City Clerk's Office with the application. Except as otherwise provided in this subsection, it shall be unlawful for a licensee to enter into any agreement whereby the rental paid for the licensed premises is based in whole or in part on the volume of sales of alcoholic beverages by the licensed business or whereby the lessor otherwise shares in the profits or receipts from the licensed business's sale of alcoholic beverages, unless the mayor and council grants a licensee an exemption from this provision. This subsection, however, shall not apply when the primary business of a package license is an activity other than the package sale of alcoholic beverages, for example, a grocery store selling package beer and wine.

(5) The named licensees shall be active in the operation of the outlet and personally present on the premises sufficiently to ensure compliance with the provisions of this chapter. If the owner of the outlet is a corporation, the corporation and its principal officers shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a nonprofit tax exempt civic, patriotic, or social club or a private club, the entity and its principal officers and/or governing body shall be responsible for the actions of the named licensee and the conduct of the licensed business.

(6) No license to engage in the retail sale of alcoholic beverages by the drink or in the original package shall be granted or issued unless the location within such area of the city is, at the time such application is made, located within one of the zoning designations permitting such use as prescribed by the zoning ordinances of the city:

Private clubs shall be exempt from the above zoning classification requirements and need not contain such designations in order for a license to issue.

(7) No license shall be issued for the sale of alcoholic beverages for consumption on the premises or by the package to any outlet located within 425 feet of the property line of any church building. No license for the sale of wine or malt beverages for consumption on the premises or by the package shall be issued where the outlet for such sales is located within 100 yards of the property line of any school building, educational building, school grounds, or college building existing at the time of the application. The above provisions do not apply to renewal of a license or to applicants seeking a new license of a location that was licensed by City of Royston to sell alcoholic beverages at anytime during the 12 months immediately preceding such application. For the purpose of this chapter, the schools or colleges referred to herein, shall include only such state, county, city, church, private, or other schools as teach the subjects commonly taught in the common schools and colleges of this state and expressly exclude buildings used by school officials solely for administrative purposes in which school children are not regularly taught. For purposes of this chapter, school and educational buildings shall also include daycare centers if the daycare centers receive state or federal funding for an educational program at the time of application. Distances shall be measured by the most direct route of travel on the ground according to O.C.G.A. § 3-3-21(c).

Unless waived by the city clerk out of recognition of the absence of any school or church buildings in proximity to the outlet, all applications for a license shall have attached thereto a current certificate from a registered surveyor of this state showing a scaled drawing of the premises, the location or premises where the applicant desires to operate an alcoholic beverage outlet, and the distance in linear feet measured by the most direct route of travel on the ground from the subject applicant's structure to the property line of the tract which is located nearest the church building, school building, educational building, school grounds or college campus building defined in this subsection.

(8) No license shall be issued to any person who fails to comply with all the rules and regulations

regarding the sale of alcoholic beverages contained in this chapter.

(9) No license shall be issued to any person who owes any delinquent taxes, and/or assessments to the City of Royston.

(Ord. of 11-9-2010, § 1)

Sec. 6-4. The application process.

(a) Any person desiring to sell alcoholic beverages by the drink or by the package shall make written application to the city clerk for the appropriate license on forms required by the city and filed with the Royston City Clerk's Office. All applications shall be fully completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a partnership, then each partner shall sign the application in the presence of a notary public or other officer authorized to administer oaths. The officer or employee of the corporation primarily responsible for the operation of the licensed premises who is also the named licensee must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a nonprofit tax exempt civic, patriotic, or social club or corporation which is organized and operated in the city as a mutual benefit membership group, the individual being primarily responsible for the club or organization's compliance with this chapter must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a private club, then each member of its governing body must sign the application in the presence of a notary public or other officer authorized to administer oaths.

All applications shall be accompanied by the following:

(1) Unless waived by the city clerk out of recognition of the absence of any school or church building in proximity to the outlet, the application shall have attached a current certificate from a registered surveyor of this state, showing a scaled drawing of the premises, the location on the premises where the applicant desires to operate an alcoholic beverage outlet, and the distance in linear feet measured by the most direct route of travel, on the ground, from the proposed outlet to the property line of the tract upon which is located the nearest church building, school building, educational building, school grounds or college grounds or college campus building as defined in this chapter.

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

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

(4) If the applicant is a corporation, a copy of the articles of incorporation and by-laws, including amendments, shall accompany the application.

(5) If the applicant is a nonprofit tax exempt civic, patriotic or social club or corporation which is organized and operating in the city as a mutual benefit membership group, a copy or the charter or articles of incorporation, as well as sufficient proof of the organization's tax exempt status shall accompany the application.

(6) If the applicant is a private club, a copy of the articles of incorporation and by-laws, including amendments, shall accompany the application.

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

(8) The application shall be accompanied by a certified check for the full amount of the license fee, together with a separate check in an amount according to the schedule of fees set forth by the mayor and council for an investigative fee. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded to the applicant. All other fees paid to the city which were submitted as part of the application, including, but not limited to, the investigative fee, the sign fee, and any employee application permit fee(s) shall be retained by the city.

(9) All applications for licenses shall contain a full and complete statement of all material facts which tend to show whether the applicant or applicants, or any member or members of their immediate families, own a financial interest in any other alcoholic beverage outlets, or any interest in a wholesale alcoholic beverage entity, and/or distillery or brewery, and what interest they and each of them will have in the alcoholic beverage outlet being requested from this city.

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

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

(12) If the application is for sale of alcoholic beverages for consumption on the premises, the applicant shall attach to such application a representative menu or bill of fare of prepared food or

meals offered by the eating establishment to the public.

(b) Once an application, the accompanying documents described above, and the required investigative and license fees are filed with the Royston City Clerk's Office, the police chief's office shall conduct a criminal investigation of the application and produce a written criminal investigation report concerning all information relating to the fingerprinting, criminal history, arrest data, prior alcohol violations, and other matters pertaining to law enforcement. In the event the failure to obtain fingerprinting information from state and federal authorities delays completion of the written report, the chief's office may later supplement any fingerprinting information. If the fingerprinting information later reveals that the applicant fails to meet the requirements set by this chapter, this may be grounds for denying the application or revoking a license, despite an otherwise satisfactory written report. Upon production of the criminal investigation report, the chief's office shall assemble the application forms and all accompanying documents relating to investigation and processing of the application and deliver such documents to the city clerk for review. If the criminal investigation report shows that the applicant meets the requirements set by this chapter and the city clerk believes that the applicant may meet all other qualifications of this chapter, then the city manager shall schedule the application for a hearing at the next regularly scheduled meeting of the mayor and council and shall so inform the applicant of this fact before such meeting. If the criminal investigation report shows that the applicant fails to meet the requirements set by this chapter, or if the city clerk finds that the applicant fails to meet all other qualifications outlined by this chapter, then the city clerk shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his/her right to appeal; said appeal to be before the mayor and council in accordance with section 6-12 of this chapter. If an applicant desires to appeal a denial by the city clerk, the applicant must file a written request for an appeal hearing with the city clerk within five business days of the date of the written notice informing the applicant of the denial by the city clerk.

(c) Any application which the city clerk determines to satisfy all the qualifications outlined in this chapter, including character requirements as contained in the criminal investigation report of the chief of police, shall be scheduled for review at the next regularly scheduled meeting of the mayor and council. At that meeting, the applicant and any person opposed to said application has the right to present to the mayor and council any information that the mayor and council determines is relevant to the licensing decision. In making their determination on whether to approve or deny the application, the mayor and council shall look to the qualifications set forth in this chapter and consider the public interest and welfare. The board shall have the sole discretion to grant or deny the application based on the information presented. A decision by the mayor and council shall be made within 30 days from the date of the mayor and council meeting unless the decision is postponed for purposes of the board obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the mayor and council shall be mailed to the applicant. In the event the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal; said appeal to be in accordance with section 6-12 of this chapter.

(d) At the time the applicant makes application for a license, he shall pay to the clerk's office a non-refundable sign fee in an amount according to fee schedule set forth by the mayor and council for the posting on the premises where the activities permitted by such license are to be conducted, a notice of the pending application. The sign shall be posted and furnished by the city and will be painted or printed in black letters 1 1/2 inches in height, against an orange background, on a two-face, back-to-back surface of not less than 14 × 30 inches in space, and shall be placed by the city with the base of the sign nor more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street, or

highway abutting same, and not more than ten feet there from. The sign shall state clearly the nature and purpose of the application, and the name of the person, partnership, organization, corporation or private club making the application.

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

(f) Upon the issuance of a license, the licensee must have and continually maintain in City of Royston, a registered agent upon whom any process, notice, or demand required or permitted by law or under this chapter may be served. This person must be an individual and must be a resident of City of Royston, Georgia. The licensee shall file the name of such agent, along with the written consent of such agent, with the city clerk in such form as he or she may prescribe.

(g) Upon approval by the mayor and council of the application for a license, the city clerk shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the applicant is a corporation having as its principal business the sale of alcoholic beverages, the license shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation. If the applicant is a corporation having its principal business an activity other than the sale of alcoholic beverages, the license shall be issued in the name of the corporation and in the name of the officer or employee of the corporation primarily responsible for the operation of the licensed premises. If the applicant is a partnership, the license shall be issued in the name of the partnership and in the name of one of the partners. If the applicant is a nonprofit tax exempt civic, patriotic, or social club or corporation which is organized and operated in the city as a mutual benefit membership group, the license shall be issued in the name of the club or corporation and in the name of the individual primarily responsible for the club or corporation's compliance with this chapter. If the applicant is a private club, the license shall be issued in the name of the private club and in the name of one of the members of the private club's governing body who shall be the named licensee. All licenses issued shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1, shall pay the full license fee without pro-ration. License fees for licenses granted on or after July 1, will be one-half the annual license fee. License fees are not refundable once the license is granted by the city.

(h) In the event the mayor and council denies the application for a license, the applicant may appeal to the mayor and council for reconsideration of the denial by filing a written request for an appeal hearing with the city clerk within five business days of the date of the written notice informing the applicant of the denial. Any such appeal hearing concerning a denial shall be conducted according to the procedures set forth in section 6-12.
(Ord. of 11-9-2010, § 1)

Sec. 6-5. Renewal of license.

(a) All license[s] granted under this chapter shall expire on December 31 of each year. Licensees who desire to renew their license shall file a renewal application accompanied by the requisite license fee and investigative fee according to the fee schedule set by the mayor and council with the city clerk's office upon forms prescribed by the city on or before October 1 of each year without penalty. Persons holding a license for more than any one establishment and desiring to renew the license for such establishments shall pay only one investigative fee charge. Applications for renewal filed after October 1 shall be subject to a late charge of ten

percent of the license fee.

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

(c) Each application for renewal of a license shall be approved or denied in accordance with the procedures prescribed in section 6-4 of this chapter, except that the public hearing for all applications of renewal will be conducted before the mayor and council at the regularly held December meeting of the calendar year.
(Ord. of 11-9-2010, § 1)

Sec. 6-6. Transfer of license.

(a) No license for the sale of alcoholic beverages shall be transferable, except upon the death of a licensee, at which time such license may be transferred to the administrator, executor, or lawful adult heir or heirs of such deceased person. If the legal representatives of such deceased licensee cannot meet all the requirements of this chapter when the time arrives to renew the license, it shall not be renewed.

(b) Whenever a licensee doing business as a sole proprietorship loses its license as a result of the provision of this chapter, the licensee's successor in interest, upon filing an application for a new license, may continue to operate under the terms of the prior license until such time as the new application is approved or denied by the mayor and council; provided, however, no such continued operation shall be authorized until such time as a new application for license is made and the required fees paid to the city clerk's office. Payment of fees shall not be required of a corporation whose predecessor in interest remains the named licensee under the new lease.
(Ord. of 11-9-2010, § 1)

Sec. 6-7. Restrictions and prohibitions.

(a) It shall be unlawful for any person to manufacture, distribute, sell, or possess for the purpose of sale, any alcoholic beverage when such person does not have a license from the city to sell or possess or manufacture for sale such beverage, provided that this subsection shall not be interpreted to preclude the otherwise illegal practice of private production of beer as permitted under O.C.G.A. § 3-5-4 or the private production of wine as permitted under O.C.G.A. § 3-6-3 for private use and consumption or to require the procuring of a license for a private party conducted at a private home, business, or other private establishment for which alcoholic beverages are provided at no charge.

(b) Except as otherwise authorized by law, no licensee, or employee of the licensee, shall sell or permit to be sold alcoholic beverages to any person under the legal drinking age as prescribed by Georgia law under O.C.G.A. § 3-3-23.

(c) No licensee, or employee of the licensee, shall permit on the licensed premises the sale, barter, exchange, giving, providing or furnishing of alcoholic beverages to any person who is in a state of noticeable intoxication as prescribed by Georgia law under O.C.G.A. § 3-3-22.

(d) No licensee, or employee of the licensee, shall permit the sale of alcoholic beverages on Sunday unless otherwise permitted by this chapter. The sale of alcoholic beverages is permitted on election days in outlets not located within 250 feet of a polling place.

(e) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the package shall sell or permit to be sold any single beer, wine cooler, or similar alcoholic beverage that is customarily packaged for sale as part of a four-pack, six-pack, twelve-pack, or similar package as prescribed by Georgia law under O.C.G.A. § 3-3-26.

(f) Reserved.

(g) In any case where a reasonable and prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the licensee, or employee of the licensee, to see and to be furnished with proper identification in order to verify the age of such person. Identification in this section shall mean any document issued by a governmental agency containing a description of the person or the person's photograph, and giving such person's date of birth, and including, but without being limited to a passport, military identification card, driver's license, or state department public safety identification card as prescribed by Georgia law under O.C.G.A. § 3-3-23. Proper identification shall not include a birth certificate.

(h) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the package shall permit the consumption of alcoholic beverages on the premises as prescribed by Georgia law under O.C.G.A. -3-26.

(i) No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the drink shall permit any person to remove from the licensed premises any alcoholic beverage sold or dispensed for consumption on the premises. This specifically prohibits the use of "to go" cups or any device permitting any person to remove the alcoholic beverages from the licensed premises.

(j) No person employed or working in any capacity at any licensed outlet shall solicit or encourage patrons to purchase drinks to be consumed by or otherwise disposed of by any such person so employed or working as prescribed by Georgia law under O.C.G.A. § 3-3-42.

(k) No licensee, or employee of the licensee, shall add to the contents of a bottle or refill an empty bottle or in any other manner misrepresent the quantity, quality, or brand name of any alcoholic beverage. No retail licensee shall purchase alcoholic beverages from any person, firm or corporation other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer

licensed under this chapter.

(l) It shall be unlawful for any delivery to be made to and/or sales be made outside of the outlet. It shall be unlawful to sell or dispense alcoholic beverages from "drive-in" or service windows. The consumption and/or sale of alcoholic beverages shall be allowed in open areas and patios, provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such outlet, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.

(m) Reserved.

(n) The licensee shall keep the premises clean, and in proper sanitary condition, and in full compliance with provisions and regulations governing the conditions of premises used for the storage and sale of food for human consumption.

(o) No licensee shall permit on the premises any gambling, betting, games of chance, punch boards, vending machines, slot machines, pin ball machines, video machines, or similar machines which are in violation of the gambling provisions of the State of Georgia; provided, however, that this subsection shall not prohibit the lawful playing of bingo by establishments licensed to operate a bingo game under O.C.G.A. §§ 16-12-50 through 16-12-62.

(p) When a change occurs in the relationship of a person, or in the status of any property or license, or any change in payment of rents, ownership of the lease, or buildings or land on which the outlet is located, any change in corporate ownership or management, any loss or damage to goods which result in a claim against an insurance policy and any change in the division of profits, any change in any division of net or gross sales for any purpose whatsoever, and any change in facts stated or claimed in any application or report herein required, a sworn statement of such change in all material facts relating hereto shall be filed with the police chief's office and then forwarded to the city clerk and failure to do so within 14 days after such change shall, unless such time limit is extended for god cause, be reason for cancellation of a license granted pursuant to the provisions of this chapter. In the event that a licensee seeks to change the named licensee of an establishment, the application shall be amended by attaching a new personal statement along with an investigative fee according to the fee schedule set by the mayor and council. The new named licensee shall satisfy the qualification requirements as set forth in this chapter and be subject to the approval of the mayor and council.

(q) Any violation of the provisions contained under this section may result in the suspension or revocation of the license held by the licensee and criminal penalties for the licensee or employee as provided for in Title III of the O.C.G.A.
(Ord. of 11-9-2010, § 1)

Sec. 6-8. Regulations as to employees.

(a) Every licensee under this article shall maintain at all times on the premises for which the license has been issued, a list of all persons currently employed by such licensee at such premises, which list shall show the current full legal name, alias, date of birth, current address, current home telephone number, and social security number of each employee.

(b) The employee list shall be available during reasonable hours for inspection by any law

enforcement officer or city official or designate. If so required by such officer, an employee must submit to a fingerprint identification and criminal history check. Every retail licensee shall cause each of his employees during the hours of his employment to be identified by a conspicuous label or badge on which shall appear the employee's first name.

(c) The licensee is responsible for the conduct or actions of his/her employees in his/her employment. An act or omission of a licensee, owner, or employee of the licensee or licensed establishment that is willingly or knowingly performed, and that constitutes a violation of federal or state law or of any provision of this chapter, shall subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter. Criminal penalties may also apply to the licensee or owner when it is determined that the act or omission did occur, and the acts or omissions of the employee were known to or under reasonable circumstances should have been known to the licensee or owner, were condoned by the licensee or owner, or where the licensee or owner has not established practices or procedures to prevent the violation from occurring as prescribed by Title III of the O.C.G.A. It shall be the duty of the licensee hereunder to maintain a copy of this chapter at the outlet and to instruct each and every employee engaged in the sale and/or handling of alcoholic beverages of the terms hereof.
(Ord. of 11-9-2010, § 1)

Sec. 6-9. Regulations on premises.

(a) A licensee authorized to sell alcoholic beverages for consumption on the premises shall display inside the place of business their current prices.

(b) The exterior of each building where alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and entrances thereto are clearly visible at all times when the premises are opened for business.

(c) The licensee shall post in a prominent location on the licensed premises, in a manner whereby it may be easily viewed by patrons, an approved sign setting forth or summarizing the laws of City of Royston and the State of Georgia in regard to the sale of alcoholic beverages to underage, intoxicated, or pregnant persons. Each sign shall be of a size and configuration approved by the Department of Revenue of the State of Georgia and said sign shall be made available to said licensee by the city clerk at a price to be established by the city.
(Ord. of 11-9-2010, § 1)

Sec. 6-10. Suspension or revocation of license.

Any suspension, revocation, or forfeiture of a license by the mayor and council shall occur only after notice and opportunity for a hearing before the mayor and council consistent with the procedures set forth in section 6-12, and upon the following occurrences:

(1) Any licensed outlet that is found to be in violation of this chapter shall be subject to license revocation or suspension and shall also be subject to criminal citation and prosecution as outlined in section 6-11.

(2) Every license issued by the city for the sale of alcoholic beverages shall be immediately revoked

in case of bankruptcy, receivership, levy of legal process, or failure to promptly account for any pay the excise tax levied on the sale of alcoholic beverages.

(3) Except as provided for transfers under section 6-6 above, any change in ownership of any entity owning a licensed outlet shall cause the mayor and council to immediately revoke any license issued under this chapter.

(4) All licensees must, within six months after the approval of said license, open for business the outlet referred to in the application for license, and begin the sale of the product or products authorized by the said license. Failure to open the outlet and begin the sales referred to within the six-month period shall cause the mayor and council to immediately revoke the license and no refund of any fees paid pursuant to this chapter shall be made.

(5) Any licensee who shall for a period or three consecutive months cease to operate the business and sale of the product or products authorized in the said license, shall, after said three-month period, cause the mayor and council to immediately revoke the license, and no refund of any fees paid pursuant to this chapter shall be made.

(6) A license may be immediately suspended or revoked by the mayor and council upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this chapter.

(7) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the city license shall thereupon be immediately revoked.

(8) Reserved.

(9) The mayor and council shall immediately suspend or revoke the license of any outlet which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to the board.

(10) The mayor and council shall immediately revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.

(11) It shall be a violation of this chapter for any licensee or any employee or agent of the licensee or licensed establishment to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency. A violation of this subsection shall subject the license to immediate suspension or revocation.

(12) An act or omission of a licensee which constitutes a violation of federal or state law or regulation, relating to the sale of alcoholic beverages, taxes, gambling, violation of the Georgia Controlled Substances Act, or constitutes a crime of moral turpitude, shall subject the license to immediate suspension or revocation.

(13) Any license shall automatically expire on December 31 of each year unless renewed by the mayor and council.

(Ord. of 11-9-2010, § 1)

Sec. 6-11. Enforcement of this chapter.

(a) Any violation of this chapter shall subject the licensee to the following progressive actions by the mayor and council, except for those violations and occurrences set forth in section 6-10 above that provides for immediate suspension or revocation upon notice and hearing:

(1) The first violation shall result in a warning or a license suspension for a period of up to 30 days.

(2) The second violation within a consecutive 24-month period shall result in license suspension for a period of not less than 30 days nor more than 90 days.

(3) The third violation within a consecutive 24-month period shall result in license suspension for a period of not less than 90 days nor more than six months.

Nothing contained in this subsection shall be construed to preclude the mayor and council from suspending a license for a period exceeding 30 days or 90 days, respectively, or from revoking the license if the board determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the city.

In the case of a violation under this subsection by an employee, the suspension period may be mitigated by the mayor and council upon presentation of evidence that the licensee established practices and procedures to prevent the violation from occurring.

(b) In addition to the available actions to be taken by the mayor and council, individuals who violate this chapter shall be subject to criminal citation and prosecution by the Royston Police Department. The criminal penalties may result in a fine not to exceed $1,000.00, imprisonment not to exceed 60 days, or both.

(c) Sworn officers of the Royston Police Department and the city clerk shall have the authority to inspect the outlet and premises licensed under this chapter during the hours when the outlet is open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other county, state or federal officer to conduct inspections authorized by other provisions of law.

(d) In order to insure that the licensed premises are kept clean, and are in full compliance with all other ordinances and regulations of City of Royston and the State of Georgia, the additional following representatives are authorized to inspect regularly the licensed premises:

(1) Representatives of the Franklin, Hart or Madison County Health Departments shall have the authority to inspect regularly the licensed outlet and premises within their respective jurisdictions to determine if the licensed outlet is in compliance with all City of Royston and State of Georgia health rules and regulations and report any violations to the city manager.

(2) The City of Royston Fire Department shall have the authority to inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all City of Royston and State of Georgia fire regulations and report any violations to the city clerk.

(3) The city has the right to have an inspector inspect regularly the licensed outlet and premises to determine if the licensed outlet is in compliance with all technical codes of the city and report any violations to the city clerk.

(e) Every licensee shall keep and preserve records of all alcoholic beverages purchased and sold by the licensee. The records shall be kept for a period of three years from the date of purchase and sale and should at all times be open to audit and/or inspection by the city clerk or any designated employee or any outside agent or agents for the city upon approval of such outside agent or agents by the city clerk. In the event an audit is called for by the city clerk, the city clerk shall notify the licensee of the date, time and place of the audit. (Ord. of 11-9-2010, § 1)

Sec. 6-12. Hearing on denial, suspension, or revocation.

(a) Upon receipt of a timely appeal of a denial of a license, upon presentation of evidence to the city clerk of a violation of this chapter, or upon a showing to the city clerk of any of the other occurrences set forth in section 6-10 as grounds for suspension or revocation, the city clerk shall schedule a hearing before the mayor and council or their appointee and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The city clerk shall also state in the written notice in reasonable detail basis for the denial or the violation or occurrence alleged that forms the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the city clerk and the adverse party and/or counsel for the adverse party.

(b) The mayor and council or their appointee shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the competent evidence presented at the hearing. At its discretion, the mayor and council may appoint a special master to conduct said hearing and make findings of fact and conclusions of law and report such findings and conclusions to the mayor and council and to the city clerk.

(c) At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defense he/she has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.

(d) At the conclusion of the hearing, the findings and conclusions of the mayor and council shall be forwarded to the city clerk and it shall be the duty of the city clerk to provide written notification to the adverse party of the actions of the mayor and council, which actions shall comport with section 6-11 of this chapter.

(e) The decision of the mayor and council shall be final unless appealed to the Superior Court of Franklin County, Georgia, within 30 days of the city clerk providing written notification to the adverse party of the board's decision.

(f) For purposes of this chapter, notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three days after the date of deposit in the United States Mail.
(Ord. of 11-9-2010, § 1)

Secs. 6-13--6-50. Reserved.

ARTICLE II.

MALT BEVERAGE AND WINE--ORIGINAL PACKAGE

Sec. 6-51. License fees.

The license fee for a license to sell malt beverages and wine by the package shall be paid to the city clerk in an amount according to the schedule of fees set by the mayor and council by certified or cashier's check at the time of the filing of the original application and an amount according to said fee schedule upon renewal thereof.
(Ord. of 11-9-2010, § 1)

Sec. 6-52. Excise tax on the sale of beer and malt beverages.

The city, in addition to excise taxes levied by the state, does hereby levy a local tax on the sale of beer and malt beverages of $0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces sold by wholesalers to retail package outlets in the city. Further, there is also levied by the city an excise tax on tap or draft beer of $6.00 per each container sold by wholesalers to retail package outlets in the City of Royston and containing more than 15 gallons and a like rate for fractional parts where the draft beer is sold in or from barrel or bulk containers. Said tax is imposed upon wholesalers and is payable on a monthly basis as set out under section 6-223.
(Ord. of 11-9-2010, § 1)

Sec. 6-53. Excise tax on the sale of wine.

There is hereby levied an excise tax of $0.22 per liter on wines sold by a wholesaler to retail outlets in the city and a proportionate tax on the same rate on all fractional parts of a liter. Said tax is imposed upon wholesalers and is payable on a monthly basis as set out under section 6-223.
(Ord. of 11-9-2010, § 1)

Sec. 6-54. Type of retail outlet.

Beer and wine may be sold at retail, by the package, only in:

(1) Outlets duly licensed to sell beer and wine by the package; or

(2) Outlets maintaining 75 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of other foods, groceries, and general merchandise.
(Ord. of 11-9-2010, § 1)

Sec. 6-55. Hours of sale.

Retail package outlets shall engage in the sale of beer and/or wine only between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday. No package beer and/or wine may be sold on Sunday or Christmas Day or Thanksgiving Day. The sale of beer and wine is allowed on election days provided the outlet is not located within 250 feet of a polling place.
(Ord. of 11-9-2010, § 1)

Sec. 6-56. No consumption on premises.

It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of malt beverages or wine by the package and it shall be unlawful for any licensee by the package to open for, or break the package for, a purchaser and/or permit the consumption of alcoholic beverages on said premises.
(Ord. of 11-9-2010, § 1)

Sec. 6-57. Listing of prices.

Licenses shall indicate plainly by tag or labels on the bottles or containers, or on the shelf immediately below where the containers are placed, the prices of all beer and wine offered for sale.
(Ord. of 11-9-2010, § 1)

Secs. 6-58--6-130. Reserved.

ARTICLE III.

ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES

Sec. 6-131. Locations where prohibited.

No alcoholic beverages may be sold by the drink for consumption on the premises, except in eating establishments regularly serving prepared food, with a full service kitchen (a full service kitchen will consist of a four-compartment pot sink, a stove or grill permanently installed and a refrigerator, all of which must be approved by the health and fire departments) prepared to serve food every hour they are open, pursuant to the applicable building, fire and safety codes in effect for the city. Outlets shall derive a minimum of 51 percent of their total annual gross food and beverage sales from the sale of prepared meals or food. An audit may be required at any time to insure compliance with these provisions. If such outlet provides a bar or counter service for the sale of alcoholic beverages for on-premises consumption, the seating for such bar shall not exceed ten percent of the total seating capacity of the outlet.
(Ord. of 11-9-2010, § 1)

Sec. 6-132. License fees.

The licensee shall pay by certified or cashier's check a license fee for the sale of beer for consumption on the premises to the City of Royston in an amount according to the schedule of fees set by the mayor and council to be paid at the time of application for said license and an amount according to said fee schedule for

each annual renewal thereof. The licensee shall pay by certified or cashier's check a license fee for the sale of wine for consumption on the premises to the City of Royston an amount according to said fee schedule to be paid at the time of application for said license and an amount according to said fee schedule for the renewal thereof.
(Ord. of 11-9-2010, § 1)

Sec. 6-133. Excise tax.

The city hereby imposes an excise tax upon every purchase of beer or wine served for consumption on the premises of three percent of the purchase price of said beverage. Said tax shall be paid by the licensee to the city, and remitted monthly by said licensee. The imposition of this tax shall be administered pursuant to the following rules and regulations:

(1) Every licensee or his agent is hereby authorized and directed to collect the tax imposed herein from purchasers of alcoholic beverages by the drink within the licensed premises. Such licenses or agent shall furnish such information as may be required by the city clerk to facilitate the collection of the tax.

(2) If requested by the purchaser, every licensee for the sale of alcoholic beverages by the drink shall at the time of collection for food and drinks served give to the purchaser a receipt on which the purchase price and tax imposed by this article on alcoholic beverages by the drink shall be itemized separately. In all cases where the collection of food and drinks is to be deferred payment or credit, the licensee is liable at the time of, and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The city clerk and the mayor and council shall have the authority to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

(3) The taxes imposed by this section shall become due and payable from the purchaser at the time of purchase of any alcoholic beverage by the drink in this city. The full amount of such taxes collected by the licensee shall be due and payable to the city monthly, on or before the 20th day of the month following each monthly period. On or before the 20th day of the month following each monthly period a return for the preceding monthly period shall be filed with the finance department in such form as the city clerk may prescribe by every licensee liable for the payment of tax hereunder; all returns shall show the gross receipt from the sale of alcoholic beverages by the drink and the amount of the tax collected on such drinks.

(4) If the city clerk has cause to believe that the return, or the amount of the tax required to be paid to the city by any licensee is not proper, he may compute and determine the amount required to be paid upon the basis of any information that is available to him. Should the city determine that a deficiency exists in the amount of the tax due by the licensee for one or more monthly periods, the amount of the deficiency shall be interest at the rate of 1 1/2 percent per month, or fraction thereof from the due date of taxes. The city clerk or his designated representative shall give to the licensee written notice of this deficiency determination, and notice may be served by the city marshal or by mail; if by mail such service shall be addressed to the registered agent of the licensee. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee or by receipt of mailing. Except in the case of failure to make a return, every notice

of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

(5) If any licensee fails to make a return, the city clerk shall make an estimate of the amounts of the gross receipts of the licensee, or as the case may be, the amount of the total sales within the city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return, and shall be based upon any information which is available to the city clerk. Written notice shall be given in the manner prescribed in the preceding paragraph. The amount of the determination shall bear interest at the rate of 1 1/2 percent per month, or fraction thereof, from the 20th day of the month following the monthly period for which the amount or any portion thereof would have been returned until the date of payment.

(6) Any licensee who fails to pay the tax herein imposed, or fails to pay any amount of tax required to be collected and paid to the city within the time required, shall pay a penalty or 20 percent of the tax or amount of the tax or amount of the tax in addition to the tax or amount of the tax plus interest on the unpaid tax or any portion thereof as set forth in the preceding section.

(7) At any time within three years after any tax, or any tax required to be collected becomes due and payable, and at any time within three years after the delinquency of any tax, or any amount of tax required to be collected, the city may bring an action in the courts of this state, of any other state, or of the United States to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney's fees, and other legal fees incident thereto. Whenever the amount of any tax, penalty, or interest has been paid more than once, which fact has not been determined by the city clerk, the excess amount paid the city may be credited on any amounts then due and payable from the licensee, or may be refunded to the licensee if the licensee is no longer operating a licensed premises in the city.

(8) The city clerk and the Royston Police Department shall administer and enforce the provisions of this section for the collection of the tax imposed by this section. Every licensee for the sale of alcoholic beverages by the drink in the city shall keep such records, receipts, invoices, and other pertinent papers in such forms as the city clerk may require. The city clerk or any person authorized in writing by the mayor and council may examine the books, papers, records, financial reports, equipment, and other facilities of any licensee liable for the tax in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. In the administration of the provision of this section, the city clerk may require the filing of the reports by any person or class or persons having in such person's possession or custody information relating to the purchases which are subject to the tax. The report shall be filed with the city clerk and shall set forth the purchase price for each purchase, the date or dates of purchase, and such other information as the city clerk may require. The licensee shall keep a copy of this chapter at the outlet at all times. All employees of the licensee will be informed of the contents of this section.

(9) Any person violating any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine and/or imprisonment. Each such person

shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued, or permitted by such person and shall be punished accordingly. Any licensee or any other person who fails to furnish any return required to be made, or fails or refuses to furnish a supplemental return or other data required by the city clerk, or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof, shall be punished as aforesaid.

(Ord. of 11-9-2010, § 1)

Sec. 6-134. Hours of sale.

Alcoholic beverages shall not be sold for consumption on the premises, except between the hours of 11:00 a.m. and 12:00 a.m. (midnight) on Monday through Saturday. All patrons must have exited the licensee's establishment within 30 minutes of the time which alcoholic beverages may no longer be sold, thus setting such exit time at 12:30 a.m. on Monday through Saturday. Alcoholic beverages may be sold for consumption on the premises on election days provided the outlet for such sale is not located within 250 feet of a polling place.
(Ord. of 11-9-2010, § 1)

Sec. 6-135. Consumption sales only.

Licensees of alcoholic beverages for consumption on the premises shall not be permitted to sell alcoholic beverages by the package at that outlet and shall not permit a purchaser to remove from the premises any alcoholic beverage. This specifically prohibits the use of "to go" cups or any other device permitting any person to remove alcoholic beverages from the licensed premises.
(Ord. of 11-9-2010, § 1)

Sec. 6-136. Licensee's price list.

Licensees of alcoholic beverages for consumption on the premises shall display in prominent places, inside the outlet and/or on menus their current prices of wine or malt beverage by the drink. Provided, however, all licenses will keep a record of all sales of alcoholic beverages sold on which the excise tax is required to be paid under this chapter. No display of prices or brand names of alcoholic beverages to be served shall be displayed in such a manner as to be visible from the outside of the licensed outlet.
(Ord. of 11-9-2010, § 1)

Sec. 6-137. Reserved.

Sec. 6-138. Happy hour promotions prohibited.

No licensee shall advertise a happy hour. No licensee may serve discounted drinks, or increase the volume of alcoholic beverage contained in a drink without proportionately increasing the price customarily charged for such beverage. As used in this code section, the phrase "customarily charged" means the price regularly charged for such alcoholic beverage in the same calendar week.
(Ord. of 11-9-2010, § 1)

Sec. 6-139. Lighting.

The exterior of each building where alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times when the outlet is opened for business. Also, the lounge and restaurant areas, including all tables, booths, and other areas where customers are served, and all passageways shall be sufficiently well illuminated so that customers may be viewed by others inside the outlet.
(Ord. of 11-9-2010, § 1)

Sec. 6-140. Bring your own bottle "brown bagging" prohibited.

No person may bring alcoholic beverages (brown bag) into any establishment, whether that establishment is licensed or is not licensed to serve alcoholic beverages, for the purpose of consuming alcohol on the premises during regular business hours of the establishment and/or while the establishment is open to the public.
(Ord. of 11-9-2010, § 1)

Sec. 6-141. Organizations exempt from food service requirement.

Nationally recognized and chartered organizations such as veterans organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the Georgia Income Tax Law shall not be required to operate a food establishment serving prepared food in order to sell alcoholic beverages shall be subject to all city ordinance regulations and general licensing application requirements for licensees, provided, however, any applicants for temporary licenses may be exempted from certain ordinance regulations and application requirements if the city clerk, after consultation with the chief of police, determines that such exemption will not violate the purposes of this chapter as set forth in subsection 6-1(d) herein. Any applicant requesting a temporary license must quality for said license by submitting an application on a form provided by the city clerk to the police chief's office and by tendering a certified or cashier's check to the police chief's office in an amount according to the schedule of fees set by the mayor and council per each day alcoholic beverages are sold. Said temporary license will be granted to the same applicant a maximum of five days per year.
(Ord. of 11-9-2010, § 1)

Sec. 6-142. Nude dancing; findings; public purpose.

(a) Based on the experience of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; Dekalb County, Georgia; and Fort Lauderdale and Palm Beach, Florida, which experiences we believe are relevant to the problems faced by City of Royston, Georgia, we take note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country. Moreover, it is the finding of the mayor and council that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and

acceleration of community blight by the concentration of such establishments licensed to sell alcohol for consumption on the premises is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity. To that end, this section is hereby adopted.

(b) The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or dispense alcohol beverages for consumption on such premises within the unincorporated area of City of Royston:

(1) The employment or use of any person, in any capacity, in the sale or service of alcohol beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals.

(2) Live entertainment where any person appears in the manner described in subsection (b)(1) above or where such persons (or person) perform(s) acts of or acts which simulate any of the following:

a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.

b. The caressing or fondling of the breasts, buttocks, anus or genitals.

c. The displaying of the male or female pubic hair, anus, vulva or genitals.

(3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in subsections (1) and (2) above; provided, however, that nothing shall apply to the premises of any mainstream performance house, museum or theater.

(Ord. of 11-9-2010, § 1)

Secs. 6-143--6-180. Reserved.

ARTICLE IV.

PRIVATE CLUBS

Sec. 6-181. Definitions.

A fixed salary means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission or any profits from the sale of alcoholic beverages. Tips or gratuities, which are added to the bills under club regulations, shall not be considered as profits from the sale of alcoholic beverages.

Private club as used in this section means any nonprofit association organized under the laws of this

state which:

(1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;

(2) Has at least 75 regular dues-paying members;

(3) Owns, hires, or leases a building or space within a building for the reasonable use of its members and guests with:

a. Suitable kitchen and dining room space and equipment; and

b. A sufficient number of staff employees for cooking, preparing, and serving meals for its members and guests; and

c. Has no member, officer, agent or employee directly or indirectly receiving in the form of salary of other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

(Ord. of 11-9-2010, § 1)

Sec. 6-182. License fees.

A license fee authorizing a private club to sell and dispense alcoholic beverages shall be paid by certified or cashier's check to the city by the licensee in an amount according to the schedule of fees set by the mayor and council, payable at the time of the application for the license or renewal thereof.
(Ord. of 11-9-2010, § 1)

Sec. 6-183. Reserved.

Sec. 6-184. Regulation.

Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the city governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations. The city, however, will grant no alcoholic beverage license to a private club organized or operated primarily for the selling or serving of alcoholic beverages.
(Ord. of 11-9-2010, § 1)

Secs. 6-185--6-220. Reserved.

ARTICLE V.

WHOLESALERS

Sec. 6-221. License required.

Any wholesale dealer in alcoholic beverages licensed by the State of Georgia or the agent of such wholesale dealer, shall be granted a license to distribute such beverages to licensed retailers or dealers in the city upon application for such license to the city clerk and the presentation of satisfactory evidence that he understands the alcoholic beverage rules and regulations of this city and the conditions under which retail licenses are issued.
(Ord. of 11-9-2010, § 1)

Sec. 6-222. License fees.

A wholesaler of alcoholic beverages sold in the city whose principal place of business is in the city shall pay to the city clerk annual license fees according to the schedule of fees as set by the mayor and council.

A wholesaler dealer who is licensed to do business in more than one municipality or county of the State of Georgia and whose principal place of business is not in City of Royston shall pay to the city clerk a license fee in an amount according to said schedule of fees. Said license fees are payable at the time of application for a license or renewal thereof.
(Ord. of 11-9-2010, § 1)

Sec. 6-223. Excise taxes.

All wholesale dealers engaged in the wholesale distributions of alcoholic beverages to retail package outlets in this city shall pay to the city clerk an excise tax of $0.22 per liter of wine sold to retail package licensees and a proportionate tax at the same rate on all fractional parts of a liter. Further, all wholesale dealers will pay to the city an excise tax for malted beverages sold to retail package outlets in this city, equal to $0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces. Further, the wholesale dealers will pay to the city an excise tax on tap or draft beer in the sum of $6.00 for each container sold containing not more than 15 1/2 gallons and a like rate for fractional parts where the draught beer is sold in or from a barrel or bulk container. Each licensee responsible for the payment of the excise tax shall file a report and payment within the time required shall result in a payment penalty of ten percent of the excise tax amount due or $200.00 whichever is greater. Payment of this excise tax shall be made before the tenth day of each month for all sales made during the previous month.
(Ord. of 11-9-2010, § 1)

Sec. 6-224. Hours of sale.

The business hours of wholesale dealers shall be from sunup to sundown only on days the outlets for sale of alcoholic beverages in the original package and by the drink are authorized to sell alcoholic beverages, excluding Sundays.
(Ord. of 11-9-2010, § 1)

Sec. 6-225. Special provisions applicable to wholesale license.

(a) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverages to any person other than a retailer licensed under this chapter. No alcoholic beverages shall be delivered to any outlet in the city except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

(b) Licensed wholesalers or their employees shall follow all traffic rules in effect for the city and shall not in any way conduct their business so as to interfere with the flow of traffic in the city.
(Ord. of 11-9-2010, § 1)

Chapters 7--9

RESERVED

Chapter 10

AMUSEMENTS AND ENTERTAINMENTS*

* **Cross References:** Alcoholic beverages, ch. 6; businesses, ch. 22; offenses and miscellaneous provisions, ch. 42; parks and recreation, ch. 46; signs, ch. 54.

State Law References: Exchange of free replay for anything of value unlawful, O.C.G.A. § 16-12-35(c); authority to license and regulate billiard rooms, O.C.G.A. § 43-8-2; unlawful conducting of circus or carnival in county without license or permit, O.C.G.A. § 48-13-10; coin operated amusement machines, O.C.G.A. § 48-17-1 et seq.

Article I. In General

Article II. Amusement Machines and Arcades

ARTICLE I.

IN GENERAL

Secs. 10-1--10-20. Reserved.

ARTICLE II.

AMUSEMENT MACHINES AND ARCADES*

* **Editors Note:** An ordinance adopted Jan. 9, 2001, amended Ch. 10 by enacting provisions which pertained to amusement machines and arcades designated as §§ 10-1--10-13. Such provisions were redesignated as Art. II, §§ 10-21--10-33, by the editor, for purposes of classification.

Sec. 10-21. Definitions.

As used in this article, the following terms shall have the following meanings:

Arcade means a location where more than three non-cash redemption machines as described in

O.C.G.A. -12-35 (c) or 16-12-35 (d) are operated.

Bona fide coin-operated amusement machine includes coin-operated amusement machines and means:

(a) Every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player pursuant to subsections (b) through (g) of O.C.G.A. § 16-12-35, and which can be legally shipped interstate according to federal law. Examples of bona fide coin-operated amusement machines include, but are expressly not limited to, the following:

i. Pinball machines;

ii. Console machines;

iii. Video games;

iv. Crane machines;

v. Claw machines;

vi. Pusher machines;

vii. Bowling machines;

viii. Novelty arcade games;

ix. Foosball or table soccer machines;

x. Miniature racetrack, football, or golf machines;

xi. Target or shooting gallery machines;

xii. Basketball machines;

xiii. Shuffleboard games;

xiv. Kiddie ride games;

xv. Skeeball machines;

xvi. Air hockey machines;

xvii. Roll down machines;

xviii. Trivia machines;

xix. Laser games;

xx. Simulator games;

xxi. Virtual reality machines;

xxii. Matchup or lineup games which require the player to use skill stops to complete the game;

xxiii. Maze games;

xxiv. Racing games;

xxv. Coin-operated pool tables or coin-operated billiard tables as defined in paragraph (3) of O.C.G.A. § 43-8-1; and

xxvi. Any other similar amusement machine, which can be legally operated in Georgia.

(b) Every machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object such as jukeboxes or other similar types of music machines.

License means a license issued by the city to operate an arcade.

Location means a separate building.

Registrant means any person, firm, corporation, partnership, association, organization, or other entity who, as the owner, lessee, or beneficiary has under his/her or its control any location, establishment, place or premises in or at which bona fide coin-operated amusement machines are placed or kept for use or play, or on exhibition for the purpose of use or play by the general public.
(Ord. of 1-9-2001)

Sec. 10-22. Registration required.

No registrant shall make available for use within the city limits any bona fide coin-operated amusement machine unless:

(1) The Georgia State license and required sticker is affixed to the machine pursuant to O.C.G.A. § 48-17-1 et seq.;

(2) The bona fide coin-operated amusement machine is registered with the governing authority of the city; and

(3) If required, the bona fide coin-operated amusement machine is located and used in an arcade

which has been duly licensed under sections 10-26 et seq. herein below.
(Ord. of 1-9-2001)

Sec. 10-23. No registration or license fees.

No registration fee shall be required to register a bona fide coin-operated amusement machine. No license fee shall be required to license an arcade.
(Ord. of 1-9-2001)

Sec. 10-24. Machine registration form.

(a) The machine registration shall be filed in writing on a form to be provided by the city and shall specify:

(1) The name and address of the registrant, and if a firm, corporation, partnership, or association, the principal officers thereof and their addresses;

(2) Registrants shall list the location and address of the premises where the licensed machine or machines are to be operated, together with the character of the business as carried on at such place;

(3) Registrants shall list the number of machines to be maintained on the premises,

(4) The name and address of the owner of the machine or machines, if other than the registrant;

(5) Specific identifying information on the type of each machine, its function and operation, and its state license number; and

(6) Other identifying information about the registrant's business including but not limited to federal employer identification and state sales tax numbers, and other pertinent information.
(Ord. of 1-9-2001)

Sec. 10-25. Operating regulations.

(a) All registrants hereunder shall be subject to the following regulations:

(1) *Gambling is prohibited.* Gambling devices or any gambling on the premises is prohibited. Only non-cash redemption is permitted as authorized by O.C.G.A. § 16-12-35(a.1) through (g). Nothing in this article shall be construed to authorize, permit, or license any gambling device of any nature whatsoever or any gambling contrary to state law.

(2) *Machines are to be kept in plain view.* All such machines shall at all times be kept and placed in plain view of and open and accessible to any person or persons who may frequent or put in any place of business where such devices are kept or used for play by the public.

(3) *Inspection.* The city code enforcement officer shall inspect or cause the inspection of any place

in which any such machines are operated or set up for operation, and shall investigate and test such machines as needed.

(4) *Attendant required.* It shall be unlawful for any registrant to open his business to the public unless an employee of the registrant is present. Said attendant shall be of sufficient mental and physical capacity so as to be able to provide aid to patrons if needed or desired.

(5) *Refunds and adjustments.* Refunds and adjustments to all customers shall be the responsibility of the registrant of the location of the machine in question; provided, however, that such refunds or adjustments shall not include refunds for any unused games or credits.

(6) *Gross income requirements.* No registrant shall derive more than 50 percent of such registrant's annual income from the business location in which the amusement machine or machines are situated from amusement machines that provide for non-cash redemption as described in subsection (c) or (d) of O.C.G.A. § 16-12-35. For the purpose of this section, annual income is the sum of the total gross receipts generated by the registrant's business at the business location where the machines are located in a calendar year. Upon request by the local government, the registrant shall provide the necessary financial documents from the registrant in order to verify the amount of annual income and the amount of such income generated from the bona fide coin-operated amusement machines as described in subsection (c) or (d) of O.C.G.A. § 16-12-35.

(7) *Alcohol prohibited.* No registrant who holds an arcade license shall allow the sale, consumption or use of alcoholic beverages on their premises.

(Ord. of 1-9-2001)

Sec. 10-26. Arcade license required.

Any registrant who proposes to locate more than three non-cash redemption machines in any place of business, any business premises, or any other location shall be required to apply for and receive a valid arcade license prior to placing such machines into operation.

An application for an arcade license shall be made in writing on forms prescribed by the city.

(Ord. of 1-9-2001)

Sec. 10-27. Distance requirements, plat required.

(a) Every application for a license to operate an arcade in the city shall be accompanied by a plat prepared by a registered surveyor showing the location of the proposed arcade and the distances between the main entrance of the proposed arcade and all adjoining lands, as hereafter provided.

(b) No license for the operation of an arcade shall be issued for any location:

(1) Within 425 feet of the property line of a private residential dwelling;

(2) Within 425 feet of the property line of any public library or branch of any public library;

(3) Within 425 feet from the property line of any church, shrine, chapel of a mortuary or other place used exclusively for religious purposes;

(4) Within 600 feet of the property line of any school or college campus. The schools and colleges referred to herein shall include only such public, private, or church-supported schools which teach the subjects commonly taught in the public schools and colleges of this state, and shall not include private schools or colleges wherein a specialized subject such as business, music, art, vocational occupations, and other special subjects are taught;

(5) Within 425 feet of any premises holding a license for the consumption of alcoholic beverages.

(c) The distance requirements set out above shall apply in any and all directions from the main entrance door of the proposed location, as measured in a straight line. The plat shall accompany and be made a part of the application for such license.
(Ord. of 1-9-2001)

Sec. 10-28. Considerations for license approval.

(a) In determining whether or not an arcade license applied for hereunder shall be granted, renewed, transferred, or issued to a new location, in addition to all the provisions of this section, the following shall be considered to be in the public interest and welfare:

(1) Reputation, character. The registrant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business;

(2) Previous violations of license laws. If the registrant is a previous holder of an arcade license in Royston or in any other jurisdiction and has violated any law, regulation or ordinance relating to such business;

(3) Manner of conducting prior arcade business. If the registrant is a previous holder of an arcade license, the manner in which he conducted the business thereunder, especially as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business;

(4) Location. The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values;

(5) Number of licenses in general area. The number of licenses already granted for arcades in the general area of the place for which the license is sought;

(6) Previous revocation of license. If the registrant has had any license issued under the police powers of any governing authority previously suspended or revoked, or has had an arcade license suspended or revoked;

(7) Payment of taxes and other charges. Whether or not the registrant or business is delinquent in the

payment of any local taxes or other fees or charges;

(8) Prior incidents. Evidence that a substantial number of incidents requiring police intervention have occurred within the immediate area during the 12 months immediately preceding the date of application;

(9) Previous denial or revocation. The denial of an application, or the revocation of a license, occurring within the preceding 12 months, which was based on the qualifications of the proposed location.

(b) Renewal.

(1) All licenses granted hereunder are privilege licenses and shall expire on December 31 of each year. Registrants who desire to renew their licenses shall file an application therefor with the city clerk for such renewal, upon forms approved by the city, on or before December 31 of each year.

(2) All licenses to be renewed for the subsequent calendar year shall be submitted to the city for approval no later than December 15 of each year. Any licenses that have been placed on probation, suspension or have been revoked by the city during the year shall be submitted on a separate list for review and further consideration.

(c) Audit. Upon renewal of a license to operate an arcade, verified records of sales from amusement games as they relate to the total annual income of the business shall be furnished. Verifications must be submitted by both the license holder and the management of the establishment. The city may cause an audit of the books of a business holding an arcade license to be made at any time. Failure of a registrant who holds a license to operate an arcade to cooperate in the execution of the audit shall be a violation of this article. (Ord. of 1-9-2001)

Sec. 10-29. Individuals not eligible for license.

The following individuals and organizations are not eligible for an arcade license:

(1) A person or persons or a corporation, partnership or other form of business organization in which any of the officers, directors, or partners have been convicted of a felony in any jurisdiction. A conviction, for purposes of this paragraph, includes a guilty plea, a plea of nolo contendere, any conviction expunged pursuant to any first offender status accorded to such person, or any conviction for which a pardon may have subsequently been obtained.

(2) A person or persons or a corporation, partnership, or other form of business organization in which any of the officers, directors or partners have been convicted in any jurisdiction of a non-felonious crime of moral turpitude, lottery, gambling, or illegal possession or sale of narcotics or alcoholic beverages within the five years preceding the filing of the application. A conviction, for purposes of this paragraph, includes a guilty plea, a plea of nolo contendere, any conviction expunged pursuant to any first offender status accorded to such person, or any conviction for which a pardon may have subsequently been obtained.

(3) A person whose license to operate an arcade has been revoked for cause in any state or territory of the United States within the ten years preceding the filing of the application.

(4) A person who has knowingly falsified information or made any material misrepresentation on the application for a license under this article or any application under the city alcoholic beverages ordinance submitted within the ten years preceding the filing of the application.

(5) Should any such registrant or partner, or officer or director of any registrant entity, after a license had been granted, be convicted of or plead guilty or nolo contendere to a crime involving moral turpitude, or to the violation of any laws of the state regulating gambling or the lottery laws, said license shall be subject after hearing to immediate suspension or revocation.

(Ord. of 1-9-2001)

Sec. 10-30. Application for license.

All registrants for a license to operate an arcade shall give notice of their intention to make such application by advertisement in the form prescribed by the city. Advertising as referred to in this section means there shall be a sign posted 30 days prior to the hearing of the application in a prominent position on the property (where it can be read from the road); also, all new registrants shall be required to advertise three times in the legal organ before applications are heard by the city council. Advertising in the newspaper shall be during the 30-day period prior to the hearing of the application by the city council. Before the application is presented to the city council, the registrant shall furnish proof that the advertisement has been complete as required hereinabove.

(Ord. of 1-9-2001)

Sec. 10-31. License not transferable.

No license to operate an arcade may be sold, transferred, or assigned by a registrant, or by operation of law, to any other person or persons, corporation, partnership, or other business entity, or to any other location or any expansion of an existing location. Any such sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such license, and such license shall thereafter be null and void, provided and excepting, however, that if the registrant is a partnership and one or more of the partners should die, or one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such license, and in such case the license, upon notification to the city clerk, shall be placed in the name of the surviving partner. A license to operate an arcade issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred, or assigned after the issuance of a license, or any stock authorized but not issued at the time of the granting of a license is thereafter issued and sold, transferred, or assigned.

(Ord. of 1-9-2001)

Sec. 10-32. Right of suspension.

The city council shall have the right to temporarily suspend any license issued under this section whenever a person, firm, corporation, or other business organization doing business hereunder shall deviate from the normal operation for which the license was obtained or fails in performance to meet the required regulations and codes set forth by the city council, or county health department; or violates any law, ordinance,

or regulation of the United States, or the state, or the city; or when it shall be proven before the city council or its designated hearing officer, that there is a violation of nuisance law; or when the health, interests, and safety of the public demand the suspension of such license. The hearing officer shall report the suspension of such license to the next regular or called meeting of the city council; then the license shall be suspended, placed on probation or permanently revoked, or otherwise it shall be restored and remain in full force.
(Ord. of 1-9-2001)

Sec. 10-33. Penalties for violation of article.

Violation of this article shall be punishable as a misdemeanor local ordinance violation and shall include one or more of the following penalties:

(1) A monetary fine up to a maximum of $1,000.00;

(2) Maximum imprisonment of 60 days;

(3) Suspension or revocation of the registrant's arcade license and any other city licenses held by the registrant, including but not limited to license for the sale of alcoholic beverages;

(4) Revocation of machine registration and prohibition of machine operation at any location which does not require an arcade license.

In addition, Royston or its designee may notify the appropriate state agencies of any violations pertaining to the improper use of bona fide coin-operated amusement machines. The agencies to be notified may include, but not be limited to the state revenue department, the Georgia Bureau of Investigation, and the Georgia State Lottery Commission, and violators may be prosecuted under O.C.G.A. § 16-12-35, and any other applicable provision of state or federal law.
(Ord. of 1-9-2001)

Chapters 11--13

RESERVED

Chapter 14

ANIMALS*

* **Cross References:** Noise, § 38-61 et seq.; nuisances, § 38-86 et seq.; offenses and miscellaneous provisions, ch. 42.

State Law References: Authority to exercise animal control, Ga. Const. art. 9, sec. 2, par. 3(a)(3); dogfighting, O.C.G.A. § 16-12-37; cruelty to animals, O.C.G.A. § 16-12-4; sale of dog meat for human consumption prohibited, O.C.G.A. § 26-2-160; control of rabies, O.C.G.A. § 31-19-1 et seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; livestock running at large or straying, O.C.G.A. § 4-3-1 et seq.; dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.; permitting dogs in heat to roam or run free, O.C.G.A. § 4-8-6; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-7.

Article I. In General

Article II. Dogs

ARTICLE I.

IN GENERAL

Sec. 14-1. 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:

Animal means any living creature, domestic or wild.

At large means off the premises of the owner and not under the control of the owner, a member of his immediate family, or some other person, either by leash, cord, chain, or other holding device.

Dangerous animal means any wild mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters; and any domestic mammal, reptile or fowl which, because of its size, vicious propensity or other characteristic would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure

quarters.
(Code 1984, § 30-101)

Cross References: Definitions generally, § 1-2.

Sec. 14-2. Animal control board.

For purposes of complying with O.C.G.A. § 4-8-22, the city council may sit as the animal control board to hear and determine matters provided for in O.C.G.A. § 4-8-24.

Sec. 14-3. Dangerous animals.

(a) It shall be unlawful for any person to permit any dangerous or vicious animal of any kind to run at large within the city.

(b) The police officers of the city shall be authorized to use such force as is necessary to prevent any such dangerous or vicious animal from causing harm to any person or property.
(Code 1984, § 30-102)

Sec. 14-4. Stray livestock.

It shall be unlawful for any person to permit any cattle, horses, swine, sheep, goats or poultry to run at large in the city. If any such animal is found to be running at large in any public place in the city, it shall be impounded in the manner provided in this chapter.
(Code 1984, § 30-103)

Sec. 14-5. Impoundment of animals running at large.

(a) *Authority.* It shall be the duty of every police officer or designated employee to seize all animals running at large in violation of the provisions of this chapter and to impound such animals in the city pound or other suitable place. Upon receiving any such animal, the city poundkeeper or other authorized person shall enter upon the records of the pound, in a book to be kept by him for such purpose, the date of impounding, a description of the animal impounded, and a record as to whether or not such animal has been licensed and tagged.

(b) *Notice to owner.* No later than three days after the impounding of any animal licensed and tagged, the owner shall be notified or, if the owner of the animal is unknown, written notice shall be posted for five days, which notice shall describe the animal and indicate the place and time of taking.

(c) *Redemption.* The owner of any animal impounded by the city poundkeeper or other authorized person may redeem it by paying all the costs, charges and penalties assessed, if any, that have accrued up to the time of making the redemption, and when they are paid to the poundkeeper, it shall be his duty to release the animal from the pound and deliver it to the owner thereof.

(d) *Disposition of unclaimed or infected animals.* If at the expiration of five days from the date of notice to the owner or the posting of notice any animals impounded as provided in this section shall not have been redeemed either by the owner or by some other person, such animal may be disposed of in a humane manner. Any animal which appears to be suffering from rabies or affected with hydrophobia, mange or any

other infectious or dangerous disease shall not be released but may be destroyed as soon as such infection or disease is discovered.
(Code 1984, § 30-104)

Secs. 14-6--14-30. Reserved.

ARTICLE II.

DOGS

Sec. 14-31. License and registration required.

It is provided in the city that each animal shall have a collar and have affixed thereto a current rabies tag.
(Code 1984, § 30-201)

Sec. 14-32. Confinement of dogs.

Notwithstanding the provisions of this chapter, no dog, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any dog is found running at large in violation of this provision, it shall be taken up and impounded in the manner provided in section 14-5; provided, however, that if any dangerous, fierce, or vicious dog so found at large cannot be safely taken up and impounded, the animal may be destroyed in a humane manner.
(Code 1984, § 30-203; Ord. of 6-13-2006, § 1)

Sec. 14-33. Vaccination.

It shall be unlawful for the owner of any dog to keep, or maintain such dog unless it shall have been vaccinated by a licensed veterinary surgeon with antirabies vaccine, within one year preceding the date on which the dog is kept or maintained.
(Code 1984, § 30-204; Ord. of 6-13-2006, § 1)

Sec. 14-34. Rabies suspects.

(a) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the poundkeeper of the fact that his dog has been exposed to rabies, and at his discretion the poundkeeper is empowered to have the dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

(b) It shall be unlawful for any person knowing or suspecting a dog to have rabies to allow such dog to be taken off his premises or beyond the limits of the city without the written permission of the poundkeeper.

(c) Whenever a dog is ascertained to be rabid, notification shall be made to the poundkeeper, who shall cause the dog to be removed to the city pound or summarily destroyed.
(Code 1984, § 30-205)

Sec. 14-35. Dog bites.

Whenever any dog bites a person, the owner of the dog shall immediately notify the poundkeeper who shall order the dog held on the owner's premises or shall have it impounded at the owner's expense for a period of two weeks. The dog shall be examined immediately after it has bitten anyone and again at the end of the two-week period. If at the end of two weeks a veterinarian is convinced that the dog is then free from rabies, the dog shall be released from quarantine or from the pound as the case may be. If the dog should die in the interim, its body shall be sent to the appropriate testing laboratory for examination for rabies.
(Code 1984, § 30-206)

Sec. 14-36. Muzzling proclamation.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the mayor, if he deems it necessary, may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded in the manner provided in section 14-5, unless the dog is noticeably infected with rabies, in which case it shall be summarily disposed of.
(Code 1984, § 30-207)

Sec. 14-37. Creation of nuisance.

(a) The owner or keeper of each dog within the city shall keep it from becoming a nuisance and from endangering or injuring any person.

(b) Whenever a dog is kept in such manner as constitutes a nuisance, a proceeding to abate the nuisance may be brought by the party aggrieved, pursuant to section 38-88. An animal found by the court to constitute a nuisance may be impounded by the city if the owner, after reasonable opportunity to do so, fails to abate the nuisance as ordered by the court.
(Code 1984, § 30-302)

Chapters 15--17

RESERVED

Chapter 18

BUILDINGS AND BUILDING REGULATIONS*

* **Cross References:** Planning commission, § 2-121 et seq.; downtown development authority, § 2-146 et seq.; alcoholic beverages, ch. 6; businesses, ch. 22; environment, ch. 38; signs, ch. 54; solid waste, ch. 58; streets, sidewalks and other public places, ch. 62; taxation, ch. 66; utilities, ch. 74; vehicles for hire, ch. 78; zoning, app. A; manufactured home regulations, app. C.

State Law References: Authority of city or county to provide codes, including building, housing, plumbing and electrical codes, Ga. Const. art. 9, sec. 2, par. 3(12); access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; ordinances relating to repair, closing and demolition of dwellings unfit for human habitation, O.C.G.A. § 36-61-11; authority to demolish structures where drug crimes are committed, O.C.G.A. § 41-2-7; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7; county or municipal ordinances relating to unfit buildings or structures, O.C.G.A. § 41-2-9; statewide application of minimum standard codes, codes requiring adoption by municipality or county, O.C.G.A. § 8-2-25; enforcement of codes, O.C.G.A. § 8-2-26; providing of fire escapes by building owners, O.C.G.A. § 8-2-50.

Article I. In General

Article II. Construction Codes

Article III. Flow Rate Restrictions on Plumbing Fixtures

ARTICLE I.

IN GENERAL

Secs. 18-1--18-25. Reserved.

ARTICLE II.

CONSTRUCTION CODES

Sec. 18-26. Adoption of technical codes.

(a) The latest edition of the following codes, as adopted and amended by the State of Georgia Department of Community Affairs, shall be enforced by the city:

(1) Standard Building Code, published by the Southern Building Code Congress International, Inc.

(2) Standard Mechanical Code, published by the Southern Building Code Congress International, Inc.

(3) Standard Gas Code, published by the Southern Building Code Congress International, Inc.

(4) Standard Plumbing Code, published by the Southern Building Code Congress International, Inc.

(5) National Electrical Code, published by the National Fire Protection.

(6) Standard Fire Prevention Code, published by the Southern Building Code Congress International, Inc.

(7) CABO One and Two Family Dwelling Code, published by the Building Officials and Code Administrators International, Inc.

(8) CABO Model Energy Code, published by the Building Officials and Code Administrators International, Inc.

(b) If any matter in such codes is contrary to city ordinances, the more stringent shall prevail.

(c) Within any of such codes, when reference is made to the duties of certain officials named therein, that designated official in the city who has duties corresponding to those of the named official in such code shall be deemed to be the responsible official insofar as enforcing the provisions of such code.
(Ord. of 12-12-2000, § 1(Exh. A)

Sec. 18-27. Enforcement officer

The enforcement officer shall be the code enforcement officer for the city who shall have all of the rights, powers and authorities corresponding to those of the named officials in any of the foregoing standard codes identified in section 18-26 inclusive wherever such named official in such standard codes shall be identified as the responsible official insofar as inspecting and enforcing the provisions of such codes. In addition, the code enforcement officer shall have all the rights, powers and authorities as provided for the zoning enforcement officer under the zoning ordinance of the city as the provisions may relate to the power of the zoning enforcement officer in connection with construction of improvements on real property within the city limits.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-28. Enforcement authority of code enforcement officer.

The chief enforcement officer, of the city shall have the authority to issue stop-work orders and to revoke any permit issued pursuant to any of the codes adopted by this article as provided for in such codes. The code enforcement officer shall further be an ex-officio police officer of the city and shall have authority to issue summonses and complaints for violations of this chapter.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-29. Notice of deficiency, warning of penalties.

The code enforcement officer, upon determining that work on any building or structure or part thereof is being done contrary to the provisions of any of the codes adopted by and in force in the city, shall issue written notice of deficiency which shall be given to the owner of the property or to his agent or to the person doing the work and shall state the nature of the deficiency and the corrections required. The owner, his agent or the person doing the work shall have ten days from the date of such notice of deficiency to correct such deficiency. Upon correcting the deficiency, the owner, agent or the person doing the work shall require a reinspection of the deficient work. If upon reinspection such work is still deficient, the code enforcement officer shall advise wherein such work is still deficient and the code enforcement officer may require a lesser amount of time for the correction of such deficiency. After the first reinspection of such deficient work where such deficient work does not comply with the provisions of the applicable building code, an additional reinspection fee shall be charged and shall be paid at the time that the owner of owner's agent, or person doing the work requests the second reinspection.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-30. Stop-work order; revocation of building permit.

If any deficient work is not cured within the times provided in section 18-29, the code enforcement officer shall have the authority to issue an order in writing which will stop all work on any building or structure and such written stop-work order shall be given to the owner of the property or to his agent or to the person doing the work and shall state the reasons for the issuance of such stop-work order and shall further state the conditions under which work on such building may resume. In the event that the deficient work giving rise to the stop-work order is not corrected within ten days from the date of the stop-work order, the code enforcement officer shall have the authority to revoke the building permit and all permits related to such building permit (electrical, plumbing, heating, ventilating and air conditioning and other such permits related to the same job) and shall issue a summons charging a violation of this chapter and the related building codes applicable to the violation requiring the owner and any individual contractor or subcontractor who has applied for any related building code permit relating to the primary building permit whose work is deficient and has not been corrected and is the cause of the issuance of the stop-work order to be and appear in answer to such summons in the recorder's court of the city subject to the provision of section 18-37.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-31. Emergency stop-work orders.

Where an emergency exists, the written notice herein shall not be required to be given by the code enforcement officer and the code enforcement officer may orally order all work stopped until such emergency condition is cured provided, however, that the code enforcement officer shall follow up with a written stop-work order.

(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-32. Corrective work allowed after issuance of stop-work order.

After the issuance of a stop-work order and/or the revocation of the building permits, the only work allowed to be performed shall be that work which is necessary and required to correct the deficiencies in construction which have lead to the issuance of a notice of deficiency and the stop-work order. Upon correction of such work, the building permits may be reissued so that work on the building or structure may be completed as in the case of an original permit provided, however, that the owner shall be required to pay an additional building permit fee equal to one-half the amount of all original permit fees in connection with such work.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-33. Right of appeal from decisions of inspector.

Any person aggrieved by the decision of the code enforcement officer shall have a right of appeal to the mayor and council. A written notice directed to the mayor and council must be filed in the office of the city clerk by any person aggrieved by a decision of the code enforcement officer prior to the expiration of ten days from the date of the decision of the code enforcement officer in the issuance of any notice of deficiency, stop-work order or revocation of a building permit or other decision of the code enforcement officer authorized under the terms and provisions of any of the codes adopted by the city or under the terms and provisions of the zoning ordinance of the city. Such written notice of appeal to the mayor and council shall identify the building permit number as well as any other permit number applicable, the resident's address, shall identify the decision of the code enforcement officer complained of and shall state the reasons why the aggrieved party believes that the code enforcement officer is in error in his decision.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-34. Hearing on appeal.

The mayor and council shall hold a hearing on the appeal within 14 days from the date that notice of appeal is filed with the office of the city clerk unless the 14th day falls on a Saturday, Sunday or legal holiday, when the appeal shall be heard not later than the next regular business day following such Saturday, Sunday or legal holiday. At such hearing, all matters relating to the decision of the code enforcement officer shall be inquired into and the mayor and council shall have the authority to reverse the decision of the code enforcement officer, to affirm the decision of the code enforcement officer or to modify and make such other decision and order as the mayor and council deem best in the exercise of their sound discretion.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-35. Attendance at hearing.

The code enforcement officer, the aggrieved party filing the appeal and any contractor or subcontractor whose work has been questioned shall be personally present and in attendance at the hearing on appeal before the mayor and council from any decision of the code enforcement officer. Any party may call such other witnesses as they may desire and if requested any party may obtain subpoenas from the office of the city clerk demanding and requiring that a witness be and appear at the hearing before the mayor and council.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-36. Notice of hearing.

The city clerk shall give notice to the code enforcement officer and the aggrieved party filing notice of appeal at least seven days prior to the date of the hearing before the mayor and council which notice shall be in writing and shall be deemed delivered if such notice is personally delivered, or if it is placed in the United States mail with sufficient postage thereon to ensure delivery to the party to whom such notice is directed.
(Ord. of 12-12-2000, § 1(Exh. A))

Sec. 18-37. Penalties for violation.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $25.00 nor more than $100.00 for each offense. Each day such violation continues shall be considered to be and shall constitute a separate offense. The judge of the municipal court shall assess a fine under the provisions of this section equivalent to the total number of days from the date of the issuance of the summons that such offense continues, and may impose an additional fine for each day past the regularly scheduled court date that such violation is not corrected without the necessity of additional summonses or citation to be issued.
(Ord. of 12-12-2000, § 1(Exh. A))

Secs. 18-38--18-45. Reserved.

ARTICLE III.

FLOW RATE RESTRICTIONS ON PLUMBING FIXTURES*

* **State Law References:** Flow rate restrictions on plumbing fixtures, O.C.G.A. § 8-2-3.

Sec. 18-46. 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:

Commercial means any type of building other than residential.

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

Residential means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.
(Code 1984, § 20-200(1))

Cross References: Definitions generally, § 1-2.

Sec. 18-47. Residential restrictions.

On or after July 1, 1991, no construction may be initiated within the city for any residential building of any type which:

(1) Employs a gravity tank type, flushometer valve or flushometer tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this subsection shall not be applicable to one-piece toilets until July 1, 1992.

(2) Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure.

(3) Employs a urinal that uses more than an average of 1.0 gallon of water per flush.

(4) Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute.

(5) Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

(Code 1984, § 20-200(2))

Sec. 18-48. Commercial restrictions.

On or after July 1, 1992, there shall be no construction of any commercial building initiated within the city for any commercial building of any type which does not meet the requirements of this article.
(Code 1984, § 20-200(3))

Sec. 18-49. Repairs, renovations.

The requirements of section 18-47 shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.
(Code 1984, § 20-200(4))

Sec. 18-50. Exemptions.

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of sections 18-47, 18-48 and 18-49 when:

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

(2) Such plumbing or sewage system within the existing building, because of its capacity, design or installation would not function properly if the toilets, faucets or showerheads required by this article were installed.

(3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence.

(4) Units to be installed are:

a. Specifically designed for use by the handicapped;

b. Specifically designed to withstand unusual abuse or installation in a penal institution; or

c. Toilets for juveniles.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsection (a)(2), (3) or (4) of this section shall obtain the exemption by applying at the office of the building inspector for the city. A fee as set forth in the schedule of fees and charges shall be charged for the inspection and issuance of the exemption.
(Code 1984, § 20-200(5))

Sec. 18-51. Enforcement; penalty.

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

(b) Any person violating this article shall be tried before the municipal court of the city. Upon conviction, a violation of this article may be punished as provided in section 1-12.
(Code 1984, § 20-200(6))

Chapters 19--21

RESERVED

Chapter 22

BUSINESSES*

* **Cross References:** Planning commission, § 2-121 et seq.; downtown development authority, § 2-146 et seq.; alcoholic beverages, ch. 6; amusements and entertainments, ch. 10; buildings and building regulations, ch. 18; environment, ch. 38; offenses and miscellaneous provisions, ch. 42; peddlers and solicitors, ch. 50; signs, ch. 54; solid waste, ch. 58; streets, sidewalks and other public places, ch. 62; taxation, ch. 66; utilities, ch. 74; vehicles for hire, ch. 78; zoning, app. A.

Article I. In General

Article II. Occupation Tax

Article III. Pawnshops

ARTICLE I.

IN GENERAL

Secs. 22-1--22-30. Reserved.

ARTICLE II.

OCCUPATION TAX*

* **Editors Note:** An ordinance adopted Nov. 14, 1995, amended art. II of ch. 22 in its entirety, and enacted a new art. II to read as herein set out. Former art. II pertained to similar subject matter. For a detailed history of the provisions of former art. II, see the Code Comparative Table.

Charter References: Occupation and business taxes, § 6.12.

Cross References: Taxation, ch. 66.

Sec. 22-31. Required; required for business dealings with the city.

For the year 1996 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 Georgia 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 location in the city. If the taxpayer has no permanent business location in the city, such business tax registration shall be shown to the treasurer or his deputies or to any police officer of the city upon his or their request. (Ord. of 11-14-95, § 1)

Sec. 22-32. Construction of terms; definitions.

(a) Whenever the term "City of Royston" is used herein, such term shall be construed to mean "Royston, Georgia"; wherever the term "city" is used herein, it shall be construed to mean "Royston, Georgia."

(b) As used in this article, the term:

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

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

Gross receipts means the total revenue of the business or practitioner for the period, including without limitation to the following:

(1) Total income without deduction for the cost of goods or expenses incurred;

(2) Gain from trading in stocks, bonds, capital assets or instruments of indebtedness;

(3) Proceeds from commissions on the sale of property, goods or services;

(4) Proceeds from fees for services rendered; and

(5) Proceeds from rent, interest, royalty or dividend income.

Gross receipts shall not include the following:

(1) Sales, use or excise tax;

(2) Sales returns, allowances and discounts;

(3) Interorganizational sales or transfers between or among the units of a parent-subsidiary controlled group of corporations as defined by 26 U.S.C. § 1563(a)(1), or between or among the units of a brother-sister controlled group of corporations as defined by 26 U.S.C. § 1563(a)(2);

(4) Payments made to a subcontractor or an independent agent; and

(5) Governmental and foundation grants, charitable contributions or the interest income derived from such funds received by a nonprofit organization which employs salaried practitioners otherwise covered by this article, if such funds constitute 80 percent or more of the organization's receipts.

Location of office shall not include a temporary worksite which serves 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.

Person wherever used in this article shall be held to include sole proprietors, corporations, partnerships, nonprofit or any other form of business organization.

Practitioner of profession or occupation is one who by state law requires state licensure regulating such profession or occupation.

Practitioners of professions and occupations shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

Regulatory fees 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 as an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee may not include an administrative fee. Development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development are not regulatory fees.
(Ord. of 11-14-95, § 1)

Cross References: Definitions generally, § 1-2.

Sec. 22-33. Administrative and regulatory fee structure; tax structure.

(a) A nonprorated, nonrefundable administrative fee of $10.00 shall be required on all business occupation tax accounts for the initial start-up, renewal or re-opening of those accounts.

(b) A regulatory fee may be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. A regulatory fee may not include an administrative fee.

(c) The regulatory fee schedule for persons in occupations and professions shall be set by the city council from time to time and shall be published for public inspection.
(Ord. of 11-14-95, § 1)

Sec. 22-34. Levied; restrictions.

(a) An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices within the corporate limits of the city or upon the applicable out-of-state businesses with no location or office in Georgia pursuant to O.C.G.A. § 48-13-7 based upon the number of employees of the business or practitioner.

(b) An occupation tax fee schedule shall be formulated from time to time by the city council and shall be available for public inspection.

(c) The city shall not require the payment of more than one occupational tax for each location that a business or practitioner shall have.

(d) The city shall not require an occupation tax from those real estate brokers, agents or companies

whose offices are located outside the city and sell property inside the limits of the city.
(Ord. of 11-14-95, § 1)

Sec. 22-35. Paying tax of business with no location in state.

Registration and the assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state if the business' largest dollar volume of business in Georgia is in Royston and the business or practitioner has one or more employees or agents who exert substantial efforts within the jurisdiction of the city for the purpose of soliciting business or serving customers or clients.
(Ord. of 11-14-95, § 1)

Sec. 22-36. Each line of business to be identified on business registration.

The business registration of each business operated in the city shall identify the dominant line of business that the business conducts.
(Ord. of 11-14-95, § 1)

Sec. 22-37. Number of business considered operating in city.

Where a person conducts business at more than one fixed location, each location or place shall be considered a separate business for the purpose of occupation tax.
(Ord. of 11-14-95, § 1)

Sec. 22-38. Professionals as classified in state law.

Practitioners of professions as described in O.C.G.A. § 48-13-9(c)(1)--(18) shall elect as their entire occupation tax one of the following:

(1) The occupation tax based on number of employees.

(2) A fee of $100.00 per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location; provided, however, that a practitioner paying according to this subsection shall not be required to provide information to the local government relating to the gross receipts of the business or practitioner. The per practitioner fee applies to each person in the business who qualifies as a practitioner under the state's regulatory guidelines and framework.

(3) This election is to be made on an annual basis and must be done by October 15 of each year.
(Ord. of 11-14-95, § 1)

Sec. 22-39. Practitioners exclusively practicing for the government.

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, instrumentalities of the United States, the state or a municipality or county of the state, shall not be required to obtain a license or pay an occupation tax for that

practice.
(Ord. of 11-14-95, § 1)

Sec. 22-40. Purpose and scope.

The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling. The occupation tax that only applies to those businesses and occupations which are covered by the provisions of O.C.G.A. -13-5--48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law and ordinance.
(Ord. of 11-14-95, § 1)

Sec. 22-41. When tax due and payable; effect of transacting business when tax delinquent.

(a) Each such occupation tax shall be for the calendar year 1995 and succeeding calendar years thereafter unless otherwise specifically provided. The registration and occupation tax shall be payable January 1 of each year and shall be delinquent if not paid by March 1 of each year, be subject to penalties for delinquency as prescribed in section 22-48. On any new profession, trade or calling begun in the city in 1995 or succeeding years thereafter, the registration and tax shall be delinquent if not obtained immediately upon beginning business and a penalty imposed. The tax registration herein provided for shall be issued by the treasurer and if any person, firm or corporation whose duty it is to obtain a registration shall, after the registration or occupation tax becomes delinquent, transact or offer to transact, in the city, any of the kind of profession, trade or calling in this article specified without having first obtained such registration, such offender shall, upon the conviction of the city judge, be punished by a fine or imprisonment, either or both in the discretion of the city judge.

(b) In addition to the above remedies, the marshal may proceed to collect in the same manner as provided by law for tax executions.
(Ord. of 11-14-95, § 1)

Sec. 22-42. Allocation of employees of business with multiple intrastate or interstate locations.

For those businesses who have multiple locations inside and outside of the city where the employees can be allocated to each location, the employees used to determine the occupational tax assessed will be those employees attributed to each city location. Upon request, the business or practitioner with a location or office situated in more than one jurisdiction shall provide to the city the following:

(1) Information necessary to allocate the number of employees of the business or practitioner; and

(2) Information relating to the allocation of the business' or practitioners' number of employees by other local governments.

(Ord. of 11-14-95, § 1)

Sec. 22-43. Exemption on grounds that business operated for charitable purpose.

No business on which a business registration or occupation tax is levied by this article shall be exempt from such registration or tax on the ground that such business is operated for a charitable purpose, unless 100

percent of the entire proceeds from such business are devoted to such purpose.
(Ord. of 11-14-95, § 1)

Sec. 22-44. Evidence of state registration required if applicable; state registration to be displayed.

(a) Each person who is licensed by the secretary of state pursuant to O.C.G.A. tit. 43 shall provide evidence of proper and current state licensure before the city registration may be issued.

(b) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid.
(Ord. of 11-14-95, § 1)

Sec. 22-45. Evidence of qualification required if applicable.

Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a city business registration, show evidence of such qualification.
(Ord. of 11-14-95, § 1)

Sec. 22-46. Liability of officers and agents; registration required; failure to obtain.

All persons subject to the occupation tax levy pursuant to this article shall be required to obtain the necessary registration for such business as described in this article, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a registration. Every person commencing business in the city after January 1 of each year shall likewise obtain the registration herein provided for before commencing the same; and any person transacting, or offering to transact in the city, any of the kinds of businesses, trade, profession or occupation without first having so obtained such registration, shall be subject to penalties provided thereof.
(Ord. of 11-14-95, § 1)

Sec. 22-47. When registration and tax due and payable; effect of transacting business when tax delinquent.

(a) Each such registration shall be for the calendar year in which the registration was obtained unless otherwise specifically provided. There is hereby imposed a penalty upon each business which fails to apply for and obtain an appropriate business registration and pay all tax and fees as provided herein before March 1 of each year, on the second day of March of each hereafter. Every person commencing business in the city after January 1 of each year shall obtain the registration required before commencing such business. Any person transacting or offering to transact in the city any business, trade, profession or occupation without first having obtained said registration shall be subject to the penalties provided in section 22-48. The penalties shall be in addition to all other penalties, civil and criminal herein provided; and may be collected by the remedies herein provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied.

(b) The registration herein provided for shall be issued by the treasurer, and if any person, firm or corporation whose duty it is to obtain a registration shall, after said occupation tax becomes delinquent, transact

or offer to transact, in the city, any of the kind of business, trade, profession or occupation without having first obtained said registration, such offender shall be subject to the penalties provided thereof.
(Ord. of 11-14-95, § 1)

Sec. 22-48. Penalty of article violation.

Any person violating any provisions of this article shall, upon conviction before the city judge, be fined in an amount not exceeding that allowed by law or imprisonment, either or both, in the discretion of the city judge.
(Ord. of 11-14-95, § 1)

Sec. 22-49. Treasurer; subpoena and arresting powers.

The city and its duly designated officer and inspectors or its successors shall be classified as deputy marshal-business inspector with full subpoena and arresting powers in conjunction with any violation pertaining to the business tax ordinance for 1995 (this article) and succeeding years thereafter.
(Ord. of 11-14-95, § 1)

Sec. 22-50. Businesses not covered by this article.

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

(1) Those businesses regulated by the Georgia Public Service Commission.

(2) Those electrical service businesses organized under O.C.G.A. ch. 3 of tit. 46.

(3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.

(4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.

(5) Insurance companies governed by O.C.G.A. § 33-8-8 et seq.

(6) Motor common carriers governed by O.C.G.A. § 46-7-15.

(7) Those businesses governed by O.C.G.A. § 48-5-355.

(8) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.

(9) Depository financial institutions governed by O.C.G.A. § 48-6-93.

(10) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.

(Ord. of 11-14-95, § 1)

Sec. 22-51. Inapplicable where prohibited or exempted.

An occupation tax shall not apply to a business where such levy is prohibited or exempted by the laws of the state or of the United States.
(Ord. of 11-14-95, § 1)

Sec. 22-52. Payment options for delinquent tax.

The amount of occupation tax shall be payable to the city, at the office of the treasurer, on January 1 of each year and delinquent if not paid on or before March 1 each year.
(Ord. of 11-14-95, § 1)

Sec. 22-53. More than one location or line of business.

Where a business is operated at more than one place or where the business includes more than one line, the number of employees of each location will be entered on a separate occupation tax return and the tax will be calculated at the rate of the dominant line of business conducted by the business identified on a form to be furnished by the city.
(Ord. of 11-14-95, § 1)

Sec. 22-54. Returns confidential.

Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent or clerk of the city or any other person to divulge or make known in any manner the amount of employees or any particulars set forth or disclosed in any occupation tax return required under this article. All contents of such return shall be confidential and open only to the officials, employees, agents or clerks of the city using such returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the city shall be classed as employees. Nothing herein shall be construed to prohibit the publication by the city officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof, or the inspection of the records by duly qualified employees of the tax departments of the state or of the United States, and other local governments.
(Ord. of 11-14-95, § 1)

Sec. 22-55. Inspection of books and records.

In any case the treasurer of the city, through its officers, agents, employees or representatives, may inspect the books of the business for which the returns are made. The revenue collection officer shall have the right to inspect the books or records for the business of which the return was made in the city, and upon demand of the treasurer such books or records shall be submitted for inspection by a representative of the city within 30 days. Failure of submission of such books or records within 30 days shall be grounds for revocation of the tax registration currently existing to do business in the city. Adequate records shall be kept in the city for examination by the treasurer at his discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of under-reporting, a penalty will be assessed for the period delinquent.
(Ord. of 11-14-95, § 1)

Sec. 22-56. Registration to be revoked for certain activities.

Upon the failure of any business to pay the occupation tax or any part thereof before it becomes delinquent, or upon failure to permit inspection of its books as provided, any business tax registration granted by the city under this article permitting the owner of such business to do business in the city for the current year shall be, ipso facto, revoked. No new business tax registration shall be granted by the city for the operation of a business for which any part of the occupation tax herein provided for is at that time unpaid, or to an individual, firm or corporation who has failed to submit adequate records as requested by the treasurer in accordance with provisions herein. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct its business, the imposition of civil penalties shall be permitted and pursued by the local government in the case of delinquent occupation tax.
(Ord. of 11-14-95, § 1)

Sec. 22-57. Failure to comply; continuing in business after registration revocation.

Any person, their managers, agents or employees, who do business in the city after the registration for such business has been revoked as provided in section 22-56; and any persons, their managers, agents or employees who refuse to permit an inspection of books in their charge when the officers, agents, employees or representatives of the city request such inspection, during the business hours, for the purpose of determining the accuracy of the returns herein provided for, shall be subject to penalties provided herein. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct its business, the imposition of civil penalties shall be permitted and pursued by the local government in the case of delinquent occupation tax.
(Ord. of 11-14-95, § 1)

Sec. 22-58. Execution for delinquency.

In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the treasurer of the city, upon any tax or installment of such tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of such tax against the persons, partnership or corporation liable for such tax, which execution shall bear interest at the rate of 18 percent per annum from the date when such tax or installment becomes delinquent, and the lien shall cover the property (in the city) of the person, partnership or corporation liable for such tax, all as provided by the ordinances and Charter of the city and the laws of the state. The lien of such occupation tax shall become fixed on and date from the time when such tax or any installment thereof becomes delinquent. The execution shall be levied by the city clerk of the city upon the property of defendant located in the city, and sufficient property shall be advertised and sold to pay the amount of such execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by ordinances and Charter of the city and the laws of the state, and the defendant in such execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the Charter of the city and the laws of the state in regard to tax executions. When a nulla bona entry has been entered by proper authority upon an execution issued by the treasurer against any person defaulting on the occupation tax, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of nulla bona has been made, the person against whom the execution issues pays the tax in full together with all interest and costs accrued on the tax, the person may collect any fees and charges due him or her as though he or she had never defaulted in the payment of the taxes.

(Ord. of 11-14-95, § 1)

Sec. 22-59. Amendment, repeal of article.

This article shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the council to assess and collect any of the taxes or other charges prescribed. Such amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the city of additional occupation taxes upon the same person, property or business.
(Ord. of 11-14-95, § 1)

Sec. 22-60. Applications of article to prior ordinance.

This article does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in such ordinance or ordinances, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.
(Ord. of 11-14-95, § 1)

Sec. 22-61. Enforcement of article.

It is hereby made the duty of the treasurer and police department to see that the provisions of this article relating to occupation taxes are observed, and to summon all violators of the same to appear before the recorder's court. It is hereby made the further duty of the treasurer, chief of police, members of the police department, and their assistants, to inspect all registrations issued by the city, as often as in their judgment it may seem necessary to determine whether the registration held is the proper one for the business sought to be transacted thereunder.
(Ord. of 11-14-95, § 1)

Sec. 22-62. Article to remain in full force and effect until changed by council.

This article shall remain in full force and effect until changed by amendment adopted by the council. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.
(Ord. of 11-14-95, § 1)

Sec. 22-63. Public hearing required before tax increase.

After January 1, 1996, the city council shall conduct at least one public hearing before adopting any ordinance or resolution which will increase the rate of occupation tax as set forth in this article.
(Ord. of 11-14-95, § 1)

Sec. 22-64. Option to establish exemption or reduction in tax.

The council may by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious and the reasons shall be set forth in the minutes of the governing authority or a plan.
(Ord. of 11-14-95, § 1)

Sec. 22-65. Conflicts between specific and general provisions.

Where there is an apparent conflict in this article between specific and general provisions, it is the intention hereof that the specific shall control.
(Ord. of 11-14-95, § 1)

Secs. 22-66--22-69. Reserved.

ARTICLE III.

PAWNSHOPS

Sec. 22-70. Definitions.

(a) *Pawn or pledge.* A bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the power of sale on default.

(b) *Pawnshop.* Any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn, consignment or exchange, any goods, wares, merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

(c) *Employee.*

(1) Any owner or pawnbroker who, in the performance of his or her duties or the management of the business affairs of a pawnshop, comes into contact with members of the public; or

(2) Any person working for an owner or pawnbroker; or

(3) Any person who is employed on a part-time or full-time basis, either with or without remuneration, by a pawnshop.

(d) *Pawnbroker.* Any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby he or she has charge of the business or daily operations of the pawnshop, and whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.
(Ord. of 6-8-99)

Sec. 22-71. Annual permit required.

All persons before beginning the business of operating a pawnshop or similar place where money is advanced on goods or other effects, or merchandise of any kind is taken in pawn, shall first file an application with the city clerk for an annual permit to conduct such business. The issuance of said permit will be based on a criminal history background investigation of the applicant. The cost of the permit/criminal history background investigation shall be $100.00, or a fee established by the mayor and council. This fee is imposed to cover investigative expenses and/or administrative costs associated with issuing an initial permit for all owners. In the event an owner has more than one pawnshop, then each location will be assessed the above fee. This fee is non-refundable in the event an applicant, for any reason, is not issued a permit and/or an occupational tax certificate. Owners are required to renew the permit upon expiration thereof and shall be required to pay a renewal fee established by the mayor and council of the city.
(Ord. of 6-8-99)

Sec. 22-72. Permit prerequisite to issuance of occupational tax certificate.

No occupation tax certificate required by this chapter shall be granted to any person until a permit required by section 22-71, annual permit required of this chapter has been issued or approved by the city clerk.
(Ord. of 6-8-99)

Sec. 22-73. Application for permit.

The application for the annual permit required by section 22-71, annual permit required, shall state the street number and address at which the business is proposed to be operated. The application shall contain the full name, address, phone number, date of birth, photograph, and social security number of all persons, including pawnbrokers and employees, having any interest in the proposed business, plus any additional information, including fingerprints, deemed necessary by the city clerk, city manager, or chief of police.
(Ord. of 6-8-99)

Sec. 22-74. Regulation as to employees and managers.

No person shall be employed by a pawnshop in any capacity until such person is found to be in compliance with the qualifications as described in this section and has paid a fee which shall be established by the mayor and council. Upon complying with the requirements of this ordinance, a permit card authorizing such person to be a pawnshop employee will be issued. Each employee and/or manager will be required to renew the permit card annually. The permit card and occupation tax certificate will expire annually, on the date established generally for expiration of the occupation tax certificate. All persons having any interest in the proposed business including each owner, employee, manager and pawnbroker shall while on the pawn shop premises, have in their possession and available for inspection said permit card. It shall be the duty of the pawnbroker to insure compliance with the provisions of this section.

The following qualifications shall apply to all employees and managers:

(1) No permit shall be issued until such time as a signed application has been filed with the city clerk or her designee and a search of the criminal record of the person completed. Said application

shall include the applicant's name, fingerprints, social security number, date of birth, and prior arrest record; though an applicant's arrest record shall be used for investigative purposes only and shall not give rise to a presumption or inference of guilt. Due to the inclusion of arrest information, all applications shall be regarded as confidential and shall not be produced for public inspection without a court order. Applicant must also provide positive identification (only official government issued picture identification accepted, e.g. driver's license, passport, military card, or state I.D. card).

(2) The city clerk or her designee shall conduct a complete and exhaustive search relative to any police record of the applicant.

(3) In the event that applicant is qualified for employment in a pawnshop under this section and there is no record of a violation of this ordinance, the city clerk or her designee shall issue a permit to the applicant, by mail, stating that the person is eligible for employment. If it is found that the person is not qualified for a permit and therefore ineligible for employment in a pawnshop, the city clerk or her designee shall notify the person, in writing, that they are not eligible for employment, the cause of such denial and their right to appeal.

(4) No person who has been convicted or plead guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or any felonies, or any crime involving theft or fraudulent practices shall be issued a permit.

For purposes of this section, a conviction or plea of guilt or nolo contendere entered under the Georgia First Offender Act, O.C.G.A. §42-8-60, et seq., shall be ignored. Provided, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender status or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(5) No person shall be issued a permit if it is determined that the person falsified, concealed, or misrepresented any material fact by any device, trick, or scheme while making application to the city clerk for a pawnshop permit under this section.

If it is determined that a person is in violation of this subsection and a permit is denied for this reason, then 15 calendar days must elapse from date of notification per certified mailing before a new application and fee may be resubmitted.

(6) All permits issued through administrative error can be terminated and seized by the city clerk or her designee.

(7) Replacement permits will be issued within 30 days of original date, upon paying one-half (1/2) of the fee charged for pawnshop permits. After 30 days of original application date, a new application and fee must be submitted.

(8) All permits issued hereunder remain the property of the city and shall be produced for inspection upon the demand of any officer or designee of the city.

(9) No pawnshop owner shall allow any employee or manager to work on the premises unless the employee or manager has in their possession a current valid city permit. For new employees, a receipt issued by the city clerk permit unit may be used for a maximum of 30 days from the date of issue. Pawnshop owners are required by this ordinance to inspect and verify that each employee or manager has in their possession a valid current pawnshop permit.

Issuance of this fee receipt shall allow the applicant to work in the position applied for only until such time as the required criminal history background investigation is completed. The temporary privilege conferred by issuance of this fee receipt shall expire immediately upon completion of such background investigation. If the background investigation indicates that the applicant does not meet the requirements for issuance of a pawnshop permit, the applicant may appeal the denial of the permit as provided in this chapter. However, issuance of this fee receipt and the temporary privilege granted thereby shall not be construed as conferring any right or privilege to the applicant to continue working in the position for which the permit sought during the pendency of the appeal from the denial of a permit under this article.

(10) It shall be the duty of all persons holding a pawnshop occupation tax certificate to file with the city clerk or her designee the name of the establishment, the occupation tax certificate number and a list of all employees, including their date of birth, social security number, home address and home telephone numbers, twice annually, during the month of June and again during the month of December.

(11) If it is determined that any person issued a pawnshop permit has falsified, concealed, or misrepresented any material fact by any device, trick, or scheme in the application for the pawnshop permit, said permit shall be revoked and canceled.

(12) City employees who are directly involved in the issuance of pawnshop permits or in the regulation of pawnshops shall not be eligible for a permit.

(Ord. of 6-8-99)

Sec. 22-75. Denial, suspension or revocation of a permit.

A permit may be denied, suspended or revoked by the city clerk or her designee where the pawnbroker or employee furnishes fraudulent or untruthful information in the application for a permit or fails to meet all qualifications set forth under the provisions of this ordinance.

(Ord. of 6-8-99)

Sec. 22-76. Hearings for denial, suspension or revocation of permit.

No permit shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.

(1) The city clerk or her designee shall provide written notice to the applicant of his or her order to deny, suspend or revoke the permit. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant of the right to appeal under the

provisions of this ordinance. Any applicant who is aggrieved or adversely affected by a final action of the city clerk may have a review thereof by appeal to the mayor and council.

Such appeal shall be by written petition, filed in the office of the city clerk within 15 days after the final order or action of the city clerk and in order to defray administrative costs, must be accompanied by a filing fee of $100.00. The city clerk, at her discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing said appeal. The mayor and council may, at the request of the appellant, refund the filing fee by a majority vote.

(2) A hearing shall be conducted on each appeal within 30 days of the date of filing with the city clerk unless a continuance of such date is agreed to by the appellant and the mayor and council. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, the mayor and each member of the city council shall sign an affidavit to be part of the record that he or she is not related to or personal friends with any owner of the establishment in question in the appeal being considered and that he or she has no financial interest in the outcome of the appeal. Should any member be unable to sign such an affidavit, that member shall not serve on that appeal and the case shall be heard by the remaining members of the mayor and council.

(3) The findings of the mayor and council shall be forwarded to the city clerk within 15 days after the conclusion of the hearing, and it shall be the duty of the city clerk to notify the appellant of the action of the mayor and council.

(Ord. of 6-8-99)

Sec. 22-77. Occupation tax certificate applications, renewals and qualifications.

(a) All persons, firms or corporations desiring to engage in the business, trade or occupation of a pawnshop shall, before engaging in such business, trade or profession, make application for an occupation tax certificate in the form and manner prescribed by section 22-31 et seq. of the Code.

(b) The application shall include but shall not be limited to the information required on all occupation tax returns, along with the following additional information:

(1) Full name, date of birth, address and social security number of applicant.

(2) Full name(s), dates of birth and social security numbers of any other persons having an ownership interest in the business. In the case of a corporation, this list shall include owners of ten percent or more of the common or preferred stock.

(3) Full names, dates of birth and social security numbers and titles of corporate officers where appropriate.

(4) Full names, addresses, telephone numbers, dates of birth, title and social security numbers of individuals to be employed.

(5) A copy of the Alcohol, Tobacco & Firearms license where applicable.

All occupation tax certificates granted under the provisions of this chapter shall expire annually, on the date established generally for expiration of the occupation tax certificates.

Certificate holders who desire to renew their certificates shall file the application with the applicable fees with the city clerk on the form prescribed for renewal of the certificate for the following year. Applications for renewal must be filed on or before the annual deadline provided for all businesses for filing of renewal applications, with payment of tax being due on the date or dates set for occupation taxes generally. All occupation tax certificates granted hereunder shall be for the full calendar year and are not subject to proration.

It shall be the duty of the renewal applicant to obtain renewal permits as required by this chapter.

(c) The following occupation tax certificate qualifications shall also apply:

(1) No occupation tax certificate required by this chapter shall be granted to any person who is not a citizen of the United States or registered resident alien. Where the owner-applicant is a partnership or corporation, the provisions of this chapter shall apply to all its partners, officers, manager and majority stockholders.

(2) Where the applicant is a corporation, a certificate will be issued jointly to the corporation, president or chief executive officer and to the majority stockholder. Where the applicant is a partnership, the certificate may be issued to a partner or general partner.

(3) An occupation tax certificate for the practices listed herein may not be issued where the applicant has been convicted or plead guilty or entered a plea of nolo contendere, and has been released from parole or probation, to any crime involving moral turpitude, illegal gambling, or have been convicted of any felonies, or any crime involving theft or fraudulent practices within a period of five years immediately prior to the filing of such application, At the time an application is submitted for any pawnshop occupation tax certificate, the applicant shall, by duly sworn affidavit, certify that neither the applicant, nor any of the other owners of the establishment, has been convicted or has plead guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or have been convicted of any felonies, or any crime involving theft or fraudulent practices. Should any applicant, partner or officer engaged in operating a pawnshop, after a certificate has been granted, be convicted or plead guilty or enter a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or any felony, or any crime involving theft or fraudulent practices, the certificate and/or permit shall be immediately revoked or canceled.

(Ord. of 6-8-99)

Sec. 22-78. Suspension or revocation of occupation tax certificate.

(a) A certificate may be suspended or revoked by the city clerk where the certificate holder furnishes

fraudulent or untruthful information in the application for a certificate and failing to pay all fees, taxes or other charges imposed under the provisions of this ordinance.

(b) The city clerk shall revoke the certificate for any premises where goods are pawned during a period of suspension.

(c) The city clerk may suspend or revoke the certificate for any establishment which does not meet the qualifications set forth in this ordinance any time such knowledge becomes known to him/her.

(d) An act or omission of a certificate holder, owner of more than 20 percent interest in the establishment, or employee of the certificate holder or establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this ordinance will subject the certificate holder to suspension or revocation of its certificate in accordance with the provisions of this ordinance, when the city clerk determines to her own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues. Provided, however, in the case of an employee, the city clerk or her designee must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the certificate holder, were condoned by the certificate holder, or where the certificate holder has not established practices or procedures to prevent the violation from occurring.

(e) The city clerk may suspend or revoke the certificate of any establishment whenever it can be shown that a certificate holder no longer maintains adequate financial responsibility upon which issuance of the certificate was conditioned or whenever the certificate holder has defaulted in any obligation of any kind whatsoever, lawfully owing to the county.

(f) Wherever this ordinance permits the city clerk to suspend any certificate issued hereunder but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection;

(1) No suspension shall be for a period of time longer than the time remaining on such certificate.

(2) The following factors shall be considered on any revocation or suspension as set out above;

a. Consistency of penalties mandated by this article and those set by the city council.

b. Likelihood of deterring future wrongdoing.

c. Impact of the offense on the community.

d. Any mitigating circumstances or remedial or corrective steps taken by certificate holder.

e. Any aggravating circumstances or failure by the certificate holder to take remedial or corrective steps.

(Ord. of 6-8-99)

Sec. 22-79. Hearings for the denial, suspension or revocation of certificate.

No certificate shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.

(1) The city clerk shall provide written notice to the applicant or certificate holder of his or her order to deny, suspend or revoke the certificate. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or certificate holder of the right to appeal under the provisions of this ordinance. Any applicant or certificate holder who is aggrieved or adversely affected by a final action of the city clerk may have a review thereof by appeal to the mayor and council.

Such appeal shall be by written petition, filed in the office of the city clerk within 15 days after the final order or action of the city clerk and in order to defray administrative costs, must be accompanied by a filing fee of ($500.00). The city clerk, at her discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing said appeal. The mayor and council may, at the request of the appellant, refund the filing fee by a majority vote.

(2) A hearing shall be conducted on each appeal within 30 days of the date of filing with the city clerk unless a continuance of such date is agreed to by the appellant and the mayor and council. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, the mayor and each member of the city council shall sign an affidavit to be part of the record that he or she is not related to or personal friends with the appellant or any owner of the establishment in question in the appeal being considered and that he or she has no financial interest in the outcome of the appeal. Should any member be unable to sign such an affidavit, that member shall not serve on that appeal and the case shall be heard by the remaining members of the mayor and council.

(3) The findings of the mayor and council shall be forwarded to the city clerk within 15 days after the conclusion of the hearing, and it shall be the duty of the city clerk to notify the appellant of the action of the mayor and council.

(4) The findings of the mayor and council shall be final unless appealed within 30 days of the date of said finding by certiorari to the superior court of the county.

(Ord. of 6-8-99)

Sec. 22-80. Records and information to be maintained: inspection by city.

All pawnbrokers shall maintain records into which an accurate description of all property pledged, traded, or sold to them shall be entered. Such description shall include to the extent possible the name of the maker of the article, any identifying mark or number, including the serial number, and a statement of the kind of material of which it is made. In such records there shall be entered also the full name and address of the person by whom same was deposited or sold, and the day and time when the same was done. These entries shall be made as soon after the transaction as is possible, in no event more than one hour thereafter. The pawnbroker

shall photograph, with 35mm film, the person pawning the merchandise, with the photograph showing the pawnbroker's ticket and/or transaction number. The pawnbroker shall also obtain the signature of the person pawning the merchandise.
(Ord. of 6-8-99)

Sec. 22-81. Photograph; driver's license number; social security number to secure; exception; offense.

(a) *Identification, etc., required.* In addition to other records and information as called for, the pawnbroker shall require the customer to show identification prior to conducting a transaction. The customer must show a government issued photo identification such as a driver's license or passport unless the customer has conducted business in the last 90 days and has previously shown identification as required in this section.

(b) *Photograph required.* In addition to the other records and information as called for, the pawnbroker shall photograph each customer, using 35mm film, with the photograph showing the pawnbroker's ticket and/or transaction number. This photograph shall be reduced to a negative form and maintained by the pawnbroker as a permanent record for a period of four years.
(Ord. of 6-8-99)

Sec. 22-82. Articles not to be disposed of for 30 days after acquisition.

All goods taken in pawn and/or purchased shall be held for at least 30 days before disposing of same by sale, transfer, shipment, or otherwise. The word "goods" being used here in the broadest sense to include all kinds of personal property.
(Ord. of 6-8-99)

Sec. 22-83. Dealing with minors.

It shall be unlawful for any pawnbroker, his or her agents or employees, to receive in pawn, from minors, goods of any character or description. A minor, for the purpose of this section, is an individual 17 years of age or under.
(Ord. of 6-8-99)

Sec. 22-84. Responsibility for enforcement.

The city police department shall have the responsibility for the enforcement of this article. Sworn officers of the city police department and civilian employees designated by the city council shall have the authority to inspect establishments licensed under this article during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this article and state law. This section is not intended to limit the authority of any other city officer to conduct inspections authorized by other provisions of the city Code.
(Ord. of 6-8-99)

Sec. 22-85. Penalty for violation.

Any person, firm, company, corporation or other entity who violates any provision of this article may be subject to arrest or summoned to appear in the city recorder's court and upon conviction or other finding of

guilt, be punished by a fine of up to $1,000.00 or 60 days imprisonment, or both.
(Ord. of 6-8-99)

Secs. 22-86--22-94. Reserved.

ARTICLE IV.

REGULATORY FEES*

* **Editors Note:** An ordinance adopted Sept. 9, 2005, supplied provisions to be added to this Code as §§ 22-75--22-81. In order to preserved the numbering system of the Code and facilitate use of this Code, at the discretion of the editor, these provisions have been redesignated as §§ 22-95--22-101.

Sec. 22-95. Definitions.

The following words, terms and phrases shall, for the purposes of this chapter, have the following meaning:

Regulatory fees means payments, whether designated as license fees, permits fees, or by any other name, which are required by the city to approximate the cost of regulatory activity by the city. The regulatory fee does not include an administrative fee or registration fee. Regulatory fees do not include development impact fees as defined by subsection (8) of Code section 36-71-2 [O.C.G.A.] other costs or conditions of zoning or land development or local alcoholic beverage license fees authorized by Title 3 of the O.C.G.A.

Regulatory fee certificate means a document issued by the city acknowledging payment of a regulatory fee.
(Ord. of 9-9-2005, § 1)

Sec. 22-96. Regulatory fee.

(a) Businesses and individuals engaging in the occupations or businesses set forth in Exhibit A, as listed in O.C.G.A. § 48-13-9(b)(1-31), must pay a non-refundable regulatory fee in accordance with the rate set forth in Exhibit B attached hereto.

(b) If a business or individual initially engages in an activity regulated by the city on or after July 1 in any year, the regulatory fee for the remaining portion of the year shall be 50 percent of the regulatory fee for the entire year.

(c) Every business, individual and location subject to payment of a regulatory fee levied by this article shall display a current regulatory fee certificate in a conspicuous place at the location for which such certificate was issued. If the taxpayer does not have a permanent location within the city, the regulatory fee certificate or an unaltered duplicate of such certificate shall be shown to any police or code enforcement officer upon request.
(Ord. of 9-9-2005, § 1)

Editors Note: Exhibit A is on file and available for inspection in the office of the city clerk.

Sec. 22-97. Exemptions.

The following groups shall be exempt from paying regulatory fees:

(a) 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;

(b) Blind persons;

(c) Veterans of peacetime service in the United States armed forces who have a disability that was incurred during the time of service;

(d) A local board of education; and

(e) Any state or local authority, nonprofit organization, or vendor acting pursuant to a contract with a tax-exempt agricultural fair.

(Ord. of 9-9-2005, § 1)

Sec. 22-98. Date due; penalty and interest.

(a) Regulatory fees authorized by this article shall be paid before commencing business or the practice of a profession as a condition precedent for transacting business, or practicing a profession.

(b) Regulatory fees may be paid after commencing business or the practice of a profession when:

(1) The work done or services provided are necessary for the health and safety of one or more individuals;

(2) The work done or services provided have no adverse effect on any other person; and

(3) Regulatory fees are tendered to the local government within two business days after commencing business or the practice of a profession.

(c) Any individual, business or practitioner subject to any regulatory fee 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.

(Ord. of 9-9-2005, § 1)

Sec. 22-99. Filing returns; other information required or requested.

Individuals, businesses and practitioners doing business in the city shall submit to the city clerk or make available to the city such information as may be required or requested by the city to determine the applicability and amount of the regulatory fee or to facilitate levying or collection of the regulatory fee(s).

(Ord. of 9-9-2005, § 1)

Sec. 22-100. Enforcement; violations.

(a) It is the duty of the code enforcement officer and/or the police chief 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 code enforcement officer or the police chief may issue executions against individuals, businesses and practitioners for taxes or fees, which are due, and owing; any penalty imposed by section 22-98; and any interest imposed by section.

(b) The code enforcement officer 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, one percent per month. The lien shall cover the property of the individual, business or practitioner liable for payment of the delinquent regulatory fee and become fixed as of the date and time the regulatory fee became delinquent. The execution shall be levied by the code enforcement officer or the police chief 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 the Code and Charter of the city and the laws of Georgia. 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 Georgia in regard to tax executions.

(c) Individuals, businesses and practitioners who fail or refuse to pay any regulatory fee charged pursuant to this ordinance shall be subject to a fine not exceeding $500.00.

(d) Individuals, businesses and practitioners who fail or refuse to make available truthful and accurate information the city requests or requires for determining applicability or amount of regulatory fee, or for levying or collecting such regulatory fee shall be subject to a fine not exceeding $500.00 and imprisonment for a period not exceeding 60 days.

(e) All persons subject to the regulatory fee 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 obtain the required certificate or make a return for or pay the applicable regulatory fee.
(Ord. of 9-9-2005, § 1)

Sec. 22-101. Administrative remedies.

(a) A civil action to enforce the limitation on regulatory fees may be filed after the exhaustion of administrative remedies. The prevailing party in such an action shall be awarded reasonable attorney's fees.

(b) In the event that a business or practitioner subjected to regulatory fees pursuant to this ordinance deems such fees to exceed the reasonable cost of the regulatory activity performed, the business or practitioner shall appeal the cost of the regulatory fees to the municipal court. This court shall determine if the fees exceed the reasonable cost of the regulatory activity, and, if so, the court shall impose a fee that does approximate the reasonable cost of the activity.

(c) In the event that the business or practitioner wishes to appeal the decision of the court, the business or practitioner shall appeal that decision to the full city council. If the city council determines that the

decision made by the municipal court is erroneous, the city council shall overrule that decision and determine a fee that approximates the cost of the service provided.
(Ord. of 9-9-2005, § 1)

Chapters 23--25

RESERVED

Chapter 26

CEMETERIES*

* **Cross References:** Offenses and miscellaneous provisions, ch. 42; parks and recreation, ch. 46.

State Law References: Criminal trespass and damage to property, O.C.G.A. § 16-7-20 et seq.; abandoned cemeteries and burial grounds, O.C.G.A. § 36-72-1 et seq.; Georgia Cemetery Act of 1983, O.C.G.A. § 44-3-130 et seq.

Sec. 26-1. Management and supervision.

The responsibility for the management, operation, maintenance and general supervision of all municipal cemeteries shall be vested in the department of administration.
(Code 1984, § 24-101)

Sec. 26-2. Superintendent of municipal cemeteries.

(a) *Appointment.* The city manager shall appoint a superintendent of municipal cemeteries, which officer shall be subject to removal at any time by the city manager.

(b) *Duties.* The superintendent of municipal cemeteries shall have the following duties:

(1) To look after and take proper care of all municipal cemeteries and see that no lot in any cemetery is used or occupied in violation of this chapter or of any rule or regulation promulgated by the mayor and council.

(2) To keep full and detailed accounts of the receipts and expenditures on account of the municipal cemeteries, and at least once a month to turn over to the city treasurer all monies collected on such accounts.

(3) To see to the digging of graves and to the proper interring of the dead when called upon to do so.
(Code 1984, § 24-102)

Sec. 26-3. Purchase and conveyance of lots.

(a) *Lot valuation.* The city council shall place a value upon all unsold lots in the municipal

cemeteries, and shall record such valuations on an official map or plan of each cemetery, which maps shall be kept on file, open to public inspection, in the office of the superintendent of municipal cemeteries.

(b) *Method of purchase.* Any person desiring to purchase an easement in a particular lot or lots, for the purpose for which it is intended, shall be permitted to do so upon payment of the price fixed for such lot or upon making arrangements, according to rules and regulations that may be established by the department of public works, for the purchase of such lot or lots on an installment plan. There shall be no discrimination in the sale of lots on any basis.

(c) *Manner of conveying.* Conveyances of burial lots shall be executed in the name of the city by the mayor and city clerk and have affixed thereto the seal of the city. Such conveyances shall not convey fee simple title, but shall convey to the purchaser of each burial lot an easement for the exclusive right of interment and sepulcher in such lot; shall state the maximum number of graves allowed on each such burial lot as shown by the plat; and, by reference therein made, shall convey each lot subject to all the provisions of this chapter as fully as if set out in each such conveyance.

(d) *Recordation of deed.* At the time the city conveys any burial lot, the city clerk, in addition to collecting the purchase price thereof, shall collect from the purchaser an amount sufficient to have such conveyance recorded in the clerk's office, county superior court, and shall have the conveyance so recorded before delivery thereof to the purchaser. No sale or transfer of any such burial lot or any right therein, nor any subdividing of any burial lot by any purchaser or those claiming under him, shall be valid unless approved in writing by the city or until the deed of transfer and such written approval are recorded in the clerk's office of the county superior court.

(e) *Records of ownership.* The city manager shall keep full and complete records of the ownership of all lot easements in the municipal cemeteries, of the burial capacity of each lot, of the location of each grave, of the names and ages of the persons buried in each grave that has been or shall hereafter be used, and of the date of burial of each.

(f) *Sale or transfer by owner.* Owners of lots shall not be permitted to sell or transfer lots without the written consent and approval of the city manager.
(Code 1984, § 24-103)

Sec. 26-4. Rules for interment.

No deceased person shall be interred in any municipal cemetery until the superintendent of municipal cemeteries has found:

(1) That the lot in which burial is to be made has been fully paid for;

(2) That the person arranging for the burial has the right to the use of the lot;

(3) That the lot is not used beyond its capacity; and

(4) That proper record is made of the name and age of the deceased person and of the exact location of the grave.

(Code 1984, § 24-104)

Sec. 26-5. Outside enclosure required.

The grave for all interments shall include an outside enclosure of steel or concrete to contain the casket.

Sec. 26-6. Restrictions on use.

(a) *Fences, enclosures.* No curbing, fencing or enclosure of any sort shall be erected on, in or around any burial lot in the cemetery, but the city reserves the right to erect curbing along the walks and driveways if it so desires.

(b) *Plantings.* The planting of flowers and shrubs or any other effort to improve or beautify any lot within a municipal cemetery shall be done only after the plans for such work shall have been submitted to the department of public works and approved thereby. Nothing contained in this section shall be construed to prohibit the decoration or adornment of any grave site with potted or cut flowers or plants.

(c) *Stones and monuments.* Owners of cemetery lot easements shall have the right to erect proper stones or monuments marking the burial site, except that no slab shall be set other than in a horizontal position and flush with the ground.

(1) Headstones shall not exceed two feet in height above the ground and 18 inches in width and shall be set in a solid concrete foundation.

(2) Monuments of cut stone or marble shall not exceed ten feet in height and the erection of same must be authorized and supervised by the superintendent of municipal cemeteries.

(d) *Mausoleums.* Mausoleums may be placed on the burial lots designated on the plat of a municipal cemetery as memorial lots, by the holders thereof, subject to the following conditions:

(1) Before erecting any mausoleum, the holder of the lot shall furnish complete plans and specifications to the city clerk, for submission to the department of public works, together with application for permission to construct; and no mausoleum shall be erected until the application is approved.

(2) A mausoleum shall be situated from the front line of the lot on which it is placed at a distance not less than the depth of the structure itself, and from all other sides of the lot at a distance equal to the greatest height of the structure.

(3) No bodies shall be placed in any such mausoleum except in sealed caskets and in hermetically sealed compartments.

(Code 1984, § 24-105)

Sec. 26-7. General regulations.

(a) *Trees and shrubs.* No tree or shrub shall be planted, removed, cut down or destroyed within the

borders of any burial lot, walks or lawn spaces, without the consent of the superintendent of municipal cemeteries.

(b) *Injury to monuments.* It shall be unlawful for any person to remove, deface or in any manner injure any monument, enclosure, mausoleum or ornament thereof within any municipal cemetery.

(c) *Discharging firearms.* It shall be unlawful for any person to shoot any gun, pistol or other firearm within any municipal cemetery except at a funeral ceremony.

(d) *Depositing offensive matter.* It shall be unlawful for any person to deposit on any part of any cemetery or any land adjoining it any dead carcass or any putrid or offensive matter whatever.

(e) *Disorderly conduct.* It shall be unlawful for any person to conduct himself in a boisterous or disorderly manner within the perimeter of any municipal cemetery.

(f) *Entering cemeteries at night.* It shall be unlawful for any person to enter any municipal cemetery or walk upon or across the cemetery between sunset and sunrise without the written consent of the superintendent of municipal cemeteries.

(g) *Advertisements.* It shall be unlawful for any person to post any advertisement or sign or to solicit any work in a municipal cemetery.

(h) *Unauthorized interments.* It shall be unlawful for any person to inter any dead body in any part of a municipal cemetery without the express authorization of the superintendent of municipal cemeteries.

(i) *Disinterment.* Disinterments shall be made only when authorized by the mayor and council and the county board of health.
(Code 1984, § 24-106)

Sec. 26-8. Authority of city to regulate.

(a) The mayor and city council reserve to themselves and their successors in office the right to alter, amend, modify or add to the rules, regulations, conditions, and restrictions set forth in this chapter at any time it is deemed advisable so to do in order to carry out the purposes of this chapter.

(b) There shall be no liability whatsoever, either tort or contractual, on the part of the city, or its officials or officers (or their successors in office), or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under them, or to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker or mausoleum therein, by reason of any act or acts, thing or things, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that he and his heirs and assigns shall hold such lot subject to all the provisions of this chapter and subject to all amendments hereto made by the mayor and city council.
(Code 1984, § 24-107)

Chapters 27--29

RESERVED

Chapter 30

COURTS*

* **Cross References:** Nuisances, § 38-86 et seq.; offenses and miscellaneous provisions, ch. 42; traffic and vehicles, ch. 70.

Article I. In General

Article II. Municipal Court

ARTICLE I.

IN GENERAL

Secs. 30-1--30-25. Reserved.

ARTICLE II.

MUNICIPAL COURT*

* **Cross References:** Judicial branch, art. IV.

State Law References: Establishment and jurisdiction of municipal courts, Ga. Const. art. 6, sec. 1, par. 1; powers of presiding officer in court of a municipal corporation to bind over or commit criminal offenders to jail, O.C.G.A. § 17-7-22; municipal courts, O.C.G.A. § 36-32-1 et seq.

Sec. 30-26. Scope of jurisdiction.

The municipal court shall try violations of municipal ordinances and shall have the power and authority to impose fines upon persons convicted of such offenses, with the alternative of other punishment allowed by law if the fines are not paid.
(Code 1984, § 5-101)

Sec. 30-27. Bailiff.

(a) The bailiff of the municipal court shall be appointed by the mayor, by and with the advice and consent of city council.

(b) The duties of the bailiff shall consist generally of seeing that the courtroom is in proper condition for sessions of court, of assisting in keeping order while court is in session, and of doing such other acts of assistance as may be required of him by the judge of the court and the city clerk.
(Code 1984, § 5-103)

Sec. 30-28. Record of cases.

A record of all cases heard in the municipal court for violation of this Code or other municipal ordinances shall be kept in a suitable bound volume by the city clerk. Such record shall contain the name of the defendant, the nature of the offense charged, the final disposition of the case, and the date of final disposition.
(Code 1984, § 5-104)

Sec. 30-29. Service of summons.

Any person charged with violating any city ordinance shall receive notice by service of a summons as provided in this section. The summons may be issued by the city clerk, the building inspector or any police officer of the city. The summons shall be directed to the accused and shall distinctly state the offense charged, the time and place, as far as practicable, of the offense charged, and the day, hour and place of trial, requiring the accused to appear before the judge of the municipal court to answer the accusation made. Service of the summons shall be made by a police officer of the city either by serving the accused personally or by leaving a copy at his most notorious place of abode, except that in the case of a summons issued for violations of laws or ordinances relating to the parking of motor vehicles, the summons may be directed to an unknown person as owner of an automobile designated in the summons and may be served upon the person by leaving a copy in or attached to the automobile.
(Code 1984, § 5-105)

Sec. 30-30. Subpoenas.

The city clerk shall issue subpoenas for the appearance of all witnesses necessary for the prosecution or for the defense in any case pending before the municipal court. All subpoenas shall be served in the same manner as a summons.
(Code 1984, § 5-106)

Sec. 30-31. Warrant procedure.

The judge of the municipal court shall be authorized to issue warrants for offenses committed within the corporate limits of the city against any law or ordinance of the city or this state, and when the offense is against the state, the judge may hear evidence and commit to jail or take bond for appearance before the state court having jurisdiction of the offense, as a magistrate could do. If the offense charged in the warrant is one against the laws or ordinances of the city, the arresting officer shall carry the case before the municipal court, and the case shall there be disposed of as other cases of arrest not made under warrant. All warrants issued by the judge,

or those acting in his stead, shall be directed to the "Chief of Police of Royston, any policeman or marshal thereof, and to all and singular the sheriffs, deputy sheriffs and constables of this state," and any one of such officers shall have the same authority to execute the warrant as the sheriffs of this state have to execute criminal warrants.
(Code 1984, § 5-107)

Sec. 30-32. Failure to obey summons or subpoena.

Any person who fails to appear at the time and place set out in any summons or subpoena served upon him shall be guilty of contempt of court and upon conviction thereof shall be punished for contempt.
(Code 1984, § 5-108)

Sec. 30-33. Arrest and bond.

When a police officer has arrested any person for violation of any provision of this Code or any municipal ordinance and a trial cannot be had immediately, the officer may take a cash bond not exceeding the maximum fine for the offense, or a bond with a good security, for the appearance of such person before the judge of the municipal court. If such person fails or refuses to give a bond, the officer may confine him in the city jail until a trial can be held, provided that the mayor, in his discretion, may release the person on his own recognizance without security.
(Code 1984, § 5-109)

Sec. 30-34. Forfeiture of bond.

Upon the failure of a person to appear in the municipal court at the time and place fixed by the summons, the judge of the court shall enter a judgment of forfeiture on any cash bond, or, in the case of a security bond, shall pass a rule requiring the principal and surety on such bond to show cause on the date named therein, which date shall not be less than ten days from the passage of such ruling, why they should not be required to pay the amount of the bond. If no sufficient cause is shown, the judge shall enter judgment against the principal and surety for the amount of the forfeited bond and shall direct the city clerk to issue execution thereon.
(Code 1984, § 5-110)

Sec. 30-35. Court costs.

The costs which shall be charged against a defendant in the municipal court in the event of his conviction shall not exceed a sum which is authorized by state law.
(Code 1984, § 5-111)

Sec. 30-36. Malicious prosecution.

Whenever the judge of the municipal court, after a fair and full trial, is satisfied that any case was frivolously or maliciously prosecuted, he shall assess the prosecution with the court costs and such punitive damages as he deems appropriate.
(Code 1984, § 5-112)

Sec. 30-37. Collection of fines.

When directed by the judge of the municipal court, the city clerk shall issue executions for fines imposed by the court, including the costs, which executions may be levied upon any goods or chattels, lands, or tenements of the person so fined.
(Code 1984, § 5-113)

Sec. 30-38. Appeal.

Appeals from decisions of the municipal court shall be taken to the superior court or state court of the county in the manner provided for appeals from the court of probate.
(Code 1984, § 5-114)

Chapters 31--33

RESERVED

Chapter 34

ELECTIONS*

* **Charter References:** City council terms and qualifications, § 2.11; vacancy, § 2.12; election of mayor, § 2.32; elections and removal, art. V.

Cross References: Administration, ch. 2.

State Law References: Georgia Municipal Election Code, O.C.G.A. § 21-3-1 et seq.

Sec. 34-1. Registration lists and records.

The city shall maintain its own registration system. The completed registration cards and other papers of the registrars shall be kept in the city hall, Royston, Georgia.
(Code 1984, § 2-203)

State Law References: Governing authority may elect to maintain its own registration; form of registration card, O.C.G.A. § 21-3-125(d).

Sec. 34-2. Election officials.

(a) The following election officials shall be appointed by the mayor and council and shall receive such compensation as is provided by the mayor and council:

(1) Municipal election superintendent.

(2) Clerks, as necessary.

(3) Registrar.

(b) All appointments shall be entered on the minutes of the council meeting at which they are made.

(c) One person may be both the municipal election superintendent and registrar.
(Code 1984, §§ 2-201, 2-401)

Sec. 34-3. Election districts.

The area comprising the corporate limits of the city, as the same is now or shall hereafter exist, shall constitute the sole election district of the city.
(Code 1984, § 2-402)

Sec. 34-4. Polling places.

The polling place within the city shall be the Civic Center of the City Hall of Royston, Georgia, located at 630 Franklin Springs Street within the city limits of Royston, Georgia.
(Code 1984, § 2-403)

State Law References: Duty of municipal governing authority to fix location of polling places, O.C.G.A. § 21-3-163.

Chapters 35--37

RESERVED

Chapter 38

ENVIRONMENT*

* **Cross References:** Buildings and building regulations, ch. 18; businesses, ch. 22; offenses and miscellaneous provisions, ch. 42; solid waste, ch. 58; utilities, ch. 74; zoning, app. A.

Article I. In General

Article II. Air Quality Control

Division 1. Generally

Division 2. Open Burning

Article III. Noise

Article IV. Nuisances

Article V. Erosion and Sedimentation Control

ARTICLE I.

IN GENERAL

Secs. 38-1--38-25. Reserved.

ARTICLE II.

AIR QUALITY CONTROL*

* **State Law References:** The Georgia Air Quality Act, O.C.G.A. § 12-9-1 et seq.

DIVISION 1.

GENERALLY

Sec. 38-26. Emissions of gases, vapors, odors.

(a) No person shall cause, suffer or allow any emissions of gases, vapors or odors beyond the property line from which such emissions occur to be in sufficient quantities and of such characteristics and duration as is or is likely to be injurious to the public welfare; to the health of human, plant or animal life; or to property; or which interfere with the enjoyment of life and property.

(b) Detectable odors emitted from the following sources of emission are hereby declared to be objectionable per se:

(1) Ammonia, bleaching powder, or chlorine manufacture.

(2) Asphalt manufacture or refining.

(3) Blood processing.

(4) Bag cleaning.

(5) Celluloid manufacture.

(6) Coal tar products manufacture.

(7) Compost heaps.

(8) Crematory.

(9) Creosote treatment or manufacture.

(10) Disinfectants manufacture.

(11) Distillation of bones, coal or wood.

(12) Dyestuff manufacture.

(13) Fat rendering.

(14) Fertilizer manufacture and bone grinding.

(15) Glue or gelatine manufacture.

(16) Incinerator or reduction of garbage, dead animals, offal or refuse.

(17) Oiled rubber or leather goods manufacture.

(18) Paint, oil, shellac, turpentine or varnish manufacture.

(19) Paper and pulp manufacture.

(20) Rubber or gutta percha manufacture.

(21) Sauerkraut manufacture.

(22) Shoe-blackening manufacture.

(23) Soap manufacture.

(24) Stock yards.

(25) Sulphuric, nitric or hydrochloric acid manufacture.

(26) Tanning, curing or storage of hides or skins.

(27) Tar distillation or manufacture.

(28) Tar roofing or waterproofing manufacture.

(29) Any other air contaminant discharged into open air of a character and in a quantity which is detrimental to or endangers the public health.

(Code 1984, § 13-101)

Secs. 38-27--38-35. Reserved.

DIVISION 2.

OPEN BURNING*

* **Cross References:** Bonfires, § 42-4.

Sec. 38-36. Enforcement.

The provisions of this division shall be enforced by the fire chief and the police chief and such subordinate officers of the fire department and police department as are necessary to effectuate the requirements set forth in this division.

(Code 1984, § 13-103)

Sec. 38-37. Penalty.

(a) Any person who violates any provision of this division shall be subject to punishment as provided in section 1-12.

(b) Action pursuant to subsection (a) of this section shall not be a bar to enforcement of this division by injunction or other appropriate remedy, and the police chief shall have the power to institute and maintain in the name of the city any and all such enforcement proceedings.

(c) Nothing in this division shall be construed to abridge, limit or otherwise impair the right of any person to maintain any action or other appropriate proceeding for damages or other relief on account of injuries to persons or property.

(Code 1984, § 13-104)

Sec. 38-38. Prohibited generally.

Except as provided in section 38-39, no person shall kindle an open fire in any public or private place outside any building. Fires started in violation of this section shall be promptly extinguished by the person responsible for it upon notice by the fire chief or his duly designated agent. During the existence of an air pollution alert, as may be declared by the mayor, all exceptions are void and no open fires shall be kindled.

(Code 1984, § 13-102(1))

Sec. 38-39. Exceptions.

(a) Open burning may be done under permit as follows:

(1) Application for burning permits shall be on forms provided by the fire chief.

(2) No permit shall be issued unless the issuing officer is satisfied that:

a. There is no practical available alternate method for the disposal of the material to be burned.

b. No hazardous condition will be created by the burning.

c. No salvage operation by open burning will be conducted.

d. No leaves will be burned in those areas where provision is made for public collection thereof.

(3) Any permit issued may be limited by the imposition of conditions to:

a. Prevent the creation of excessive smoke.

b. Protect property and the health, safety and comfort of persons from the effects of the burning.

(4) If it becomes apparent at any time to the fire chief that limitations need to be imposed for any of the reasons stated in subsection (a)(3) above, the fire chief or his duly designated agent shall notify the permittee in writing and any limitations so imposed shall be treated as conditions under which the permit is issued.

(b) Open burning may be done without permit as follows:

(1) In those areas where provision for public collection of leaves is not made, the open burning of leaves is permitted.

(2) In those areas where regular refuse collection is not provided, open burning of ordinary household trash by householders is permitted, provided that:

a. The fires are located no closer than 500 feet to any neighboring habitable dwelling or place where people work or congregate.

b. Garbage, dead animals and animal waste are not burned.

c. Materials which create dense or excessive smoke or emissions injurious or noxious to people or property are not burned.

(3) Open fires may be set in performance of an official duty of any public officer if the fire is necessary for one or more of the following reasons or purposes:

a. For the prevention of a fire hazard which cannot be abated by other means.

b. For the instruction of public firefighters or industrial employees under supervision of the fire chief.

c. For the protection of public health.

(4) Fires may be used for the cooking of food, provided no smoke violation or other nuisance is created.

(5) Salamanders or other devices may be used for heating by construction or other workers, provided no smoke violation or other nuisance is created.

(6) Fires may be set in the course of agricultural operations in growing crops or raising fowl or animals, provided no nuisance is created.

(7) Open fires may be set for recreational purposes, such as campfires, provided no smoke violation or nuisance is created.

(Code 1984, § 13-102(2))

Secs. 38-40--38-60. Reserved.

ARTICLE III.

NOISE*

* **Cross References:** Animals, ch. 14.

State Law References: Limits on sound volume produced by radio, tape player or other mechanical sound-making device or instrument from within the motor vehicle, O.C.G.A. § 40-6-14; sale of muffler which causes excessive noise prohibited, O.C.G.A. § 40-8-71(c).

Sec. 38-61. Penalty.

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be punished as provided in section 1-12.

(Code 1984, § 14-104)

Sec. 38-62. Injunctions.

The operation or maintenance of any device, vehicle or machinery in violation of any provision of this article which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents of this city shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Code 1984, § 14-105)

Sec. 38-63. Noise regulations in general.

It shall be unlawful for any person to willfully make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing within the city limits. (Code 1984, § 14-101)

Sec. 38-64. Enumeration of prohibited noises.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exhaustive:

(1) *Motor vehicle horns.* The sounding of any horn on any automobile, motorcycle or other motor vehicle on any street or public place of the city except as a warning signal.

(2) *Radios, television sets, similar devices.* The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to disturb the peace, quiet and comfort of neighboring residents.

(3) *Loudspeakers and amplifiers.* The using or operating of any loudspeaker or sound-amplifying device mounted upon any vehicle within the city for the purpose of broadcasting or advertising any information about any business or activity for any other purpose, unless a permit for the sound amplification has been obtained from the mayor or chief of police.

(4) *Construction equipment and activity.* The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads or projects within the city between the hours of 10:00 p.m. and 7:00 a.m. unless a permit for such construction or repair work between such hours has been obtained from the mayor or chief of police.

(5) *Exhausts.* The discharging into the open air of the exhaust of any internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) *Animals and birds.* The keeping of any animal or bird which by frequent or continuous barking, chirping or other means of communication disturbs the comfort or repose of the residents of any residential neighborhood.

(7) *Vehicle repair in residential areas.* The repairing, rebuilding or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet and comfort of the residents of the area.

(8) *Schools, courts, churches, hospitals.* The creating of any excessive noise on any street adjacent to any school, institution of learning, church or court while they are in use, or adjacent to any hospital, which unreasonably interferes with the workings of the institution, or which disturbs or

unduly annoys patients in the hospital, provided conspicuous signs are displayed in the streets indicating that it is a school, hospital or court street.

(9) *Hawkers and peddlers.* The selling of anything by outcry within the residential areas of the city, except at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events.

(10) *Drums.* The using of any drum or other instrument or device for the purpose of attracting attention by the creation of noise within the city, unless a permit for such use has been obtained from the mayor or chief of police.

(Code 1984, § 14-102)

Sec. 38-65. Exemptions.

The following uses and activities shall be exempt from the noise regulations set forth in this article:

(1) Noises of safety signals and warning devices.

(2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.

(3) Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

(Code 1984, § 14-103)

Secs. 38-66--38-85. Reserved.

ARTICLE IV.

NUISANCES*

* **Cross References:** Animals, ch. 14; courts, ch. 30.

Sec. 38-86. 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:

Junk means old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but junk shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

(Code 1984, § 32-212)

Cross References: Definitions generally, § 1-2.

Sec. 38-87. Penalty.

Any person who fails to abate a nuisance declared by order of the court within the time permitted in the order shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-12. (Code 1984, § 33-105)

Sec. 38-88. Conditions constituting nuisance.

The following conditions may be declared to be nuisances when any one of them endangers the health, welfare or good order of the community:

(1) Stagnant water on premises.

(2) Any dead or decaying matter; weeds; vegetation; or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city.

(3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the city.

(4) The pollution of public water or the injection of matter into the sewerage system which would be damaging thereto.

(5) Maintaining a dangerous or diseased animal or fowl.

(6) Obstruction of a public street, highway or sidewalk without a permit.

(7) All walls, trees and buildings that may endanger persons or property.

(8) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent the activities.

(9) Unused iceboxes, refrigerators and the like, unless the doors, latches or locks thereof are removed, and unused, abandoned or discarded containers with a capacity of at least 1 1/2 cubic feet.

(10) Use, by the owner or occupant of a residential building, structure or property or the premises of such residential property for the open storage of any junked motor vehicle, glass, building material, building rubbish or similar items. For the purpose of this subsection, "junked motor vehicle" is defined as a motor vehicle that is in a state of disrepair and incapable of being moved under its own power.

(11) Any one or more of the following conditions within the city, which shall be and is hereby

declared a nuisance:

a. Obstruction of any public watercourse or waterway.

b. Pollution of any public watercourse or waterway.

c. Uncovered piles of garbage or refuse of any kind.

d. Buried garbage or refuse of any kind.

e. Infestation by rats and vermin.

f. Accumulation on any property of debris, objects, materials or a condition which may constitute a health, accident or fire hazard, or which creates a blighting or deteriorating effect on the city.

(12) Any other condition constituting a nuisance under state law.

(Code 1984, § 33-101)

Sec. 38-89. Complaints.

(a) Any official or inhabitant of the city may direct a complaint of nuisance to the police department, which shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation. The court, after five days' notice to the person involved, shall hold a hearing thereon and, upon finding that a nuisance does exist, shall issue an order to the owner, agent in control or tenant in possession stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

(b) Animal control officers or building and license inspectors of the city may also receive complaints, investigate them and place on the court docket such complaints in the same manner as police officers.

(Code 1984, § 33-102)

Sec. 38-90. Abatement by city.

(a) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the judge, that it must be immediately abated, the judge may issue an order to the chief of police directing the nuisance to be abated. The chief of police, in such case, shall keep a record of the expense and cost of abating the nuisance, and the costs shall be billed against the owner, agent or tenant for collection as for city revenues generally and shall become a lien on the property of such persons.

(b) Other city departments shall assist the chief of police as is necessary in abating nuisances under this article.

(Code 1984, § 33-103)

Sec. 38-91. Emergency conditions; summary abatement.

Nothing contained in this article shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.
(Code 1984, § 33-104)

Sec. 38-92. Unlawful accumulations.

(a) The word "owner," as used in this section, shall be deemed to also include any person occupying any lot or tract of land as a tenant under a lease.

(b) Whenever trash and rubbish shall accumulate on any lot or tract of land within the corporate limits of the city, or such lot or tract of land shall be covered with an excessive growth of grass or noxious weeds, it shall be the duty of the building inspection department to notify the owner thereof by United States mail to clean the premises within 14 days of the date of the notice.

(c) The owner of the premises shall clean the premises within 14 days from the date of the mailing of the notice provided for in this section.
(Code 1984, § 33-106)

Sec. 38-93. Weeds.

(a) *Unlawful growth.* It shall be unlawful for any owner or resident of any lot, area or place located within the city to permit any weeds, grass or deleterious, unhealthful growths to obtain a height exceeding ten inches on such property. For the purposes of this section, "weeds" shall be deemed to mean jimson, burdock, ragweed, thistle, cocklebur, dandelion or other unsightly growths of a like kind.

(b) *Notice to remove.* It shall be the duty of the chief of police, or his designee, to notify, in writing, the owner or occupant of any premises upon which weeds or other prohibited flora are permitted to grow in violation of the provisions of this section that such growths must be removed, cut and/or destroyed within 14 days from the date of such notice. Notice shall be by registered mail, addressed to the owner or occupant at his last known addresses.

(c) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or occupant so notified to remove, cut and/or destroy such weeds or other unsightly growths within the designated time period, the director of public works is authorized and empowered to provide for the removal, cutting and/or destroying of such growths by or for the city. The actual cost of such weed removal shall be assessed against the property owner upon whose premises the work is done, and, if the bill for such charges remains unpaid for 30 days after it has been rendered, shall become a lien upon the premises enforceable in the same manner as provided for the collection of unpaid taxes.
(Code 1984, § 31-108; Ord. of 7-13-2010, § 1)

Sec. 38-94. Accumulation of junk.

(a) *Prohibited.* It shall be unlawful for any owner or resident of any property in the city other than a person who is a licensed junk dealer to permit to accumulate on such property any junk, as such term is defined in section 38-86 of this Code, including any discarded, dismantled, wrecked, scrapped, ruined or junked motor vehicles, or parts thereof.

(b) *Notice to remove.* It shall be the duty of the chief of police to notify, in writing, the owner or occupant of any premises upon which junk is permitted to accumulate in violation of the provisions of this section that such material must be removed within 30 days from the date of the notice. Notice shall be by registered mail, addressed to the owner or occupant at his last known address.

(c) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or occupant so notified to remove such junk within the designated time period, the mayor and council are authorized and empowered to arrange for the removal of the material by the city or by a private individual or firm through contract with the city.
(Code 1984, § 31-109)

Sec. 38-95. Abandoned and/or junk motor vehicles--Conditions constituting nuisance.

(a) Any vehicle, whether motorized or non-motorized, to which any of the following conditions exist, shall be presumed to endanger the health, welfare and good order of the community and shall constitute a nuisance:

(1) Those vehicles which have propelling mechanism which has failed and is no longer operational.

(2) Those vehicles which have framework and/or bodies which are useless, worn out and damaged to such an extent that they are no longer fit for the use for which originally intended.

(3) Those vehicles which have become worthless and discarded and whose usefulness remains only as salvage for individual useable parts of its machinery or as scrap metal.

(4) Those vehicles which have remained in the same or approximate same location for 30 days or longer without the owner or person in possession making some repair disposition and removing such vehicle from the premises.

(5) Those vehicles which have been damaged by fire, wind or other cause so as to have become dangerous to the life, safety or the general health and welfare of the occupants of the premises or of the adjacent premises or of the people of the city.

(6) Those vehicles which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities so essential to their intended use that they are unfit for human use or are likely to cause sickness or disease, so as to work injury to the health, safety and general welfare of those living around the same.

(7) Those vehicles which have parts thereof which are so attached or detached that they may injure members of the public or property.

(8) Those vehicles which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the community.

(b) Whenever the enforcement officer finds that any vehicle has one or more of the defects set out hereinabove, or that other conditions exist which in such officer's opinion constitute a nuisance, such officer shall give written notice to the owner and the occupant of such property stating that in such officer's opinion the conditions constitute a nuisance, and such notice shall:

(1) Be signed by the enforcement officer;

(2) Be served upon the owner or the owner's agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is sent by registered or certified mail to the addressee's last known address; or if the addressee is served with such notice by any other method authorized or required under the laws of the state;

(3) Outline the conditions complained of;

(4) Outline the remedial action deemed necessary to abate the nuisance;

(5) Specify a reasonable time which shall be allowed for taking the required remedial action;

(6) State that unless the required action is taken within the time specified, the party notified will be summoned to appear before the municipal court to have determined the question whether the conditions complained of constitute a nuisance and should be abated.

(c) Should the remedial action specified in the notice provided hereinabove not be taken within the time allowed, the enforcement officer shall cause the party notified to be summoned to appear before the municipal court, to have determined the question whether the conditions complained of constitute a nuisance and should be abated.

(d) If, upon such hearing, the judge of the municipal court shall find that the conditions complained of constitute a nuisance, and shall order the same abated, each ten days that such condition shall be maintained subsequent to the expiration of the time fixed by the court for the same to be abated shall constitute a separate offense, punishable as hereinafter provided.
(Ord. of 11-21-2000, § 1(Exh. A))

Sec. 38-96. Unfit buildings, structures and enclosures--Conditions constituting nuisance.

(a) The governing authority of the City of Royston, Georgia find and declare that within the city limits of the city there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the city; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the city and the state; and that a public necessity exists for the repair, closing, or demolition of

such dwellings, buildings, or structures.

(b) It is further found and declared that in the city where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the city and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The governing authority of the city finds that there exist in the city dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structure unsafe or unsanitary, or dangerous or detrimental to the health, safety or welfare, or otherwise inimical to the welfare of the residents of the city, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

(c) It is the intention of the governing authority that this article shall comply with and does comply with O.C.G.A. § 41-2-9(a) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the City of Royston, Georgia.
(Ord. of 11-21-2000, § 1(Exh. A); Ord. of 9-9-2005, § 1)

Sec. 38-97. Nuisance abatement procedures.

(a) *Continued use of other laws and ordinances.* It is the intent of the mayor and council that nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of any local enabling Act, charter, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

(b) *Definitions.*

Applicable codes means (a) any optional housing or abatement standard provided in Chapter 2 of Title 8 of the O.C.G.A. as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (b) any fire or life safety code as provided for in Chapter 2 of Title 25 of the O.C.G.A.; and (c) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Chapter 2 of Title 8 after October 1 provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard 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. Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.

Dwellings, buildings, or structures 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. The term "dwellings, buildings, or structures" shall 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.

Governing authority means the mayor and council of the City of Royston, Georgia.

Municipality means any incorporated city within this state.

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

Parties in interest means:

a) Persons in possession of said property and premises;

b) Persons having of record in the county in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a 50-year title examination conducted in accordance with the title standards of the State Bar of Georgia;

c) Persons having paid an occupational tax to the governing authority for a location or office at the at the subject building or structure; or

d) Persons having filed a property tax return with the governing authority as to the subject property, building, or structure.

Public authority means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.

Public officer means the officer or officers who are authorized by O.C.G.A. § 41-2-7, § 41-2-8 and §§ 41-2-9 through 41-2-17 and by this article adopted under § 41-2-7, § 41-2-8, and §§ 41-2-9 through 41-2-17 to exercise the powers prescribed by this section or any agent of such officer or officers.

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.

(c) *Duties of owners; appointment of public officer; procedures for determining premises to be unsafe or unhealthful.*

(1) It is the duty of the owner of every dwelling, building, structure, or 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 ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances.

(2) The mayor and council of the city appoint or designate the community service department, city fire marshal, city fire chief, city police chief, and his/her designees as public officer(s) to exercise the powers prescribed by this section.

(3) Whenever a request is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling, building, or structure 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 make an investigation or inspection of the specific dwelling, building, structure, or property. If the 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 or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem 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 owner and parties in interest in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner of the parties in interest; 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. The summons shall notify the owner and parties in interest that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. Section 41-2-5, at a date and time certain and at a place within the city 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 court. The owner and parties in interest 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.

(4) 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 owner and any parties in interest that have answered the complaint or appeared at the hearing an order:

a) 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 the structure so that it cannot be used in connection with the commission of drug crimes; or

b) 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 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 Georgia appraiser classification as provided in Chapter 39A of Title 41, of the O.C.G.A. 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.

(5) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure, to be repaired, altered, improved, to be vacated and closed, or demolished. 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 the public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

(6) 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 the city 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.

(7) 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.

a) The lien provided for in subsection (c)(7) of this section 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 Franklin County and shall relate back to the date of the filing of the lis pendens notice required under subsection (g) of O.C.G.A. § 41-2-12. The clerk of superior court shall record and index such certified copy of the order in the deed records of Franklin 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 forward a copy of the order and a final statement of costs to the county tax commissioner. 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 collection of real property ad valorem tax, including specifically Chapter 4 of Title 48 of the O.C.G.A.; 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. The tax commissioner shall remit the amount collected to the governing authority of the city. Thirty days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same manner as applicable to interest and penalties on unpaid real property ad valorem taxes.

b) The tax commissioner shall collect and retain an amount equal to the cost of administering a lien authorized by O.C.G.A. § 41-2-7 et seq. unless such costs are waived by resolution of Franklin County. 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.

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

d) Where the abatement action does not commence in the superior court, 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.

e) The public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to

enforce such citation in court of competent jurisdiction prior to issuing a complaint in rem as provided in this section.

f) Nothing in this section 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 summary proceedings or otherwise.

(d) Determination by public officer that under existing ordinances dwellings, buildings, or structures are vacant and sample conditions of nuisances. The public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for current commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, or structure which re dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighboring dwelling, buildings, or structures; or of other residents of the city. Such conditions include the following (without limiting the generality of the foregoing):

(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;

(5) Structural defects;

(6) Uncleanliness; and

(7) Other additional standards which may from time to time be adopted and referenced herein by ordinance amendments.

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

(e) *Powers of public officers.* The public officer(s) designated in this article shall have the following powers:

(1) To investigate the dwelling conditions in the city in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;

(2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;

(3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons

in possession;

(4) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of the section; and

(5) To delegate any of his or her functions and powers under this article to such officers and agents as he or she may designate.

(f) *Service of complaints.*

(1) Complaints issued by a public officer pursuant to this article shall be served in the following manner. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three business days of filing of the complaint and at least ten days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:

a) Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten days prior to the date of the hearing. Service may be made by the public officer designated by ordinance to abate nuisances or by any law enforcement officer of the city; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;

b) Pursuant to the provisions of Article 5, Chapter 4 of Title 48 of the O.C.G.A.; or

c) Statutory overnight delivery.

(2) If any owner or party in interest is a resident of this state but resides outside of the county, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in the county tax filings and mailed at least 14 days prior to the date of the hearing.

(3) Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least 14 days prior to the date of the hearing. For nonresidents 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.

(4) In the event either the owner or any party in interest is a minor, estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and such guardian or personal representative resides outside the county or is a nonresident of this state, he or she shall be served as provided in subsection (6) of this section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the Judge of the Probate Court of the county wherein such property is located at least 30 days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.

(5) In the event of unknown persons or unborn remaindermen who are likely to have any rights in the property or interest or the proceeds thereof, the Judge of the Probate Court of the county wherein such property or interest is located shall be personally served at least 30 days prior to the date of the hearing, and it shall be the duty of the judge of the probate court to stand in the place of and protect the rights of such unknown parties or unborn remaindermen.

(6) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this section, the public officer shall make an affidavit to that effect and serve by publication in the manner provided in subsection (3) of this section, and such publication shall be sufficient proof that service was perfected.

(7) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.

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

(Ord. of 4-13-2006)

Secs. 38-98--38-115. Reserved.

ARTICLE V.

EROSION AND SEDIMENTATION CONTROL*

* **Editors Note:** An ordinance adopted Aug. 8, 1995, amended art. V of ch. 38 in its entirety, and enacted a new art. V to read as herein set out. Former art. V pertained to similar subject matter. For a detailed history of the provisions of former art. V, see the Code Comparative Table.

Cross References: Streets, sidewalks and other public places, ch. 62; utilities, ch. 74.

State Law References: Georgia Surface Mining Act of 1968, O.C.G.A. § 12-4-70 et seq.; Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq.

Sec. 38-116. Title.

This article will be known as the "City of Royston, Georgia Soil Erosion and Sedimentation Control Ordinance."

(Ord. of 8-8-95, § 1; Ord. of 4-10-2001, § 1)

Sec. 38-117. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

Best management practices (BMP's) means collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

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 Broad River Soil and Water Conservation District.

Division means the environmental protection division of the 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 storm-water 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 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.

Issuing authority means the governing authority of any county or municipality which has been certified by the director of the environmental protection division of the department of natural resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the division in those instances where an application for a permit is submitted to the division.

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 38-118(a)(5).

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 colloidally dispersed particles are present.

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 this 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.

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 Broad River 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 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 measures 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 Georgia 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 streams 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:

(a) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

(b) Temporary seeding, producing short-term vegetative cover; or

(c) 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 ground water 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 8-8-95, § 1; Ord. of 4-10-2001, § 1)

Sec. 38-118. Exemptions.

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

(a) (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, and other related activities which result in minor soil erosion;

(4) The construction of single-family residences when such are constructed by or under contract with the owner for his own occupancy; or the construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of more than two lots and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in section 38-119. 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 38-119 of this article 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 raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

(6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in subsections (15) and (16) of section 138-119(c), 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 one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any state waters, and for purposes of this subsection, "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 year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, 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 issuing authority from regulating any such project which is not specifically exempted by subsections (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 Georgia 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 such projects shall conform to the minimum requirements set forth in section 38-119(b) and (c) of this ordinance; provided further that construction or maintenance projects of department of transportation or state tollway authority which disturb five or more contiguous acres of land shall be subject to provisions of Code section 12-7-7.1; and

(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, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in section 38-119 (b) and (c).

(b) Where this section requires compliance with the minimum requirements set forth in section 38-119 (b) and (c) of this article, issuing authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.
(Ord. of 8-8-95, § 1; Ord. of 4-10-2001, § 1)

Sec. 38-119. Minimum requirements for erosion and sedimentationcontrol 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 excluded 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 section 38-119 (b) and (c) of this ordinance. The application of measures 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/BMP's.

(1) Best management practices as set forth in section 38-119 (b) and (c) of this article 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 paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of code section 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection, the terms "proper design" and "properly designed" mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.

(2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or by the division or of any general permit for construction activities issued by the division pursuant to subsection (f) of code section 12-5-30, 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.

(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 by the division or of any general permit for construction activities issued by the division pursuant to subsection (f) code section 12-5-30, 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) The rules and regulations, ordinances, or resolutions adopted pursuant to this article for the purposes of governing land-disturbing activities shall require, as a minimum, 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 measures shall be installed as soon as practicable;

(9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, 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 surface 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 sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in section 38-119 (b)(2) of this article;

(15) Except as provided in subsection (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 paragraph. The following requirements shall apply to any such buffer:

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 stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her 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 stream bed; and

(16) There is established a 50-foot buffer as measured horizontally form 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 has been 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:

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 stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her 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 stream bed; and

(d) Nothing contained in this article shall prevent an issuing authority from adopting rules and regulations, ordinances, or resolutions which contain requirements that exceed the minimum requirements in section 38-119 (b) and (c) of this article.

(e) 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 8-8-95, § 1; Ord. of 4-10-2001, § 1)

Sec. 38-120. Application/permit process.

(a) *General.* The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and other ordinances which regulate the development of land within the jurisdictional boundaries of the issuing authority. However, the property owner is the only party who may obtain a permit.

(b) *Application requirements.*

(1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the city without first obtaining a permit from the city to perform such activity.

(2) The application for a permit shall be submitted to the city clerk 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 section 18-5 C. [38-119(c)] of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of section 38-119 (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.

(3) A fee, in the amount set forth in the schedule of fees and charges, shall be charged for each acre or fraction thereof in the project area.

(4) Immediately upon receipt of an application and plan for a permit, the 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. 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 38-119 (c)(15) and (16) and bonding, if required as per section 38-120 (b)(5)b., 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.

(5) a. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended within three years prior to the date of filing of the application under consideration, the issuing authority may deny the permit application.

b. The 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 subsection or with the conditions of the permit after issuance, 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. The 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 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 38-119 (b) and (c) of this article. 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 storm water 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 sediment 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 year-round 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. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by onsite inspection."

(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. 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:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch = 100 ft. 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 features 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 issuing authority of a completed application, providing variances and bonding are obtained, where necessary.

(2) No permit shall be issued by the issuing authority unless the erosion and sedimentation control plan has been approved by the district and the issuing authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by section 38-119 (c)(15) and (16) are obtained, bonding requirements, if necessary, as per section 38-120 (b)(5)b. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the issuing authority are met. If the permit is denied, the reason for denial shall be furnished 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 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.

(5) No permit shall be issued unless the applicant provides a statement by the city clerk certifying that all ad valorem taxes levied against the property and due and owing have been paid.

(Ord. of 8-8-95, § 1; Ord. of 4-10-2001, § 1)

Sec. 38-121. Inspection and enforcement.

(a) The city or its authorized agent 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. 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 city 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 issuing authorities pursuant to O.C.G.A. 12-7-8(a). The districts or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion 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 division may periodically review the actions of counties and municipalities which have been certified as issuing authorities pursuant to code section 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinances 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 (d), 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 an issuing authority. If the county or municipality does not take necessary correction action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as an issuing authority. (Ord. of 8-8-95, § 1; Ord. of 4-10-2001, § 1)

Sec. 38-122. 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 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 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 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 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.

(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 38-120 (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:

(1) Except as provided in subsection (d)(2), any person who violates any provisions of this article, the rules and regulations adopted pursuant hereto, 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 county 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 ordinance 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.

(2) The following penalties shall apply to land-disturbing activities performed in violation of any provision of this article, any rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this article;

a. There shall be a minimum penalty of $250.00 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy; and

b. There shall be a minimum penalty of $1,000.00 per day for each violation involving land-disturbing activities other than as provided in subsection a. above.

(Ord. of 8-8-95, § 1; Ord. of 4-10-2001, § 1)

Sec. 38-123. Administrative appeal, 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 not in compliance with the approved erosion and

sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the mayor and council within 45 days after receipt by the issuing authority ofwritten 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 de novo to the Superior Court of Franklin County, Georgia.
(Ord. of 8-8-95, § 1)

Sec. 38-124. Effectivity, validity and liability.

(a) *Effectivity.* This article shall become effective on the day of eighth day of August, 1995.

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

(c) *Liability.*

(1) Neither the approval of a plan under the provisions ofthis article, nor the compliance with provisions ofthis article shall relieve any person from theresponsibility for damage to any person or propertyotherwise imposed by law nor impose any liability uponthe issuing authority for damage to any person orproperty.

(2) The fact that a land disturbing activity for which apermit has been issued results in injury to the propertyof another shall neither constitute proof of nor createa presumption of a violation of the standards providedfor in this article or the terms of the permit.
(Ord. of 8-8-95, § 1)

Secs. 38-125--38-145. Reserved.

ARTICLE VI.

FLOOD DAMAGE PREVENTION*

* **Editors Note:** An ordinance adopted Feb. 8, 2011, § 1, amended Art. VI to read as set out herein. Former Art. VI, §§ 38-146--38-167, pertained to similar subject matter and derived from an ordinance adopted Dec. 12, 2000.

Sec. 38-146. Statutory authorization, findings of fact, purpose and objectives.

(a) *Authorization.* Article VI, Section 38 of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the mayor and city council of Royston, Georgia, does ordain as follows:

(b) *Findings of fact.*

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

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

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

(1) Require that uses vulnerable to floods, including facilities, which serve such 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 water or erosion hazards, or which increase flood heights, velocities, or erosion;

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

(5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(d) *Objectives.* The objectives of this article are:

(1) To protect human life and health;

(2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(3) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas,

(4) To minimize expenditure of public money for costly flood control projects;

(5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(6) To minimize prolonged business interruptions; and

(7) To insure that potential homebuyers are notified that property is in a flood area.
(Ord. of 2-8-2011, § 1)

Sec. 38-147. General provisions.

(a) *Lands to which this article applies.* This article shall apply to all areas of special flood hazard within the jurisdiction of the City of Royston, Georgia.

(b) *Basis for area of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated September 17, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 17, 2010, with accompanying maps and other supporting data and any revision thereto, for the City of Royston are hereby adopted by reference.

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. (None)

The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located: Building, Planning and Zoning Office of City of Royston, Georgia.

(c) *Establishment of development permit.* A development permit shall be required in conformance with the provisions of this article PRIOR to the commencement of any development activities.

(d) *Compliance.* No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.

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

(f) *Interpretation.* In the interpretation and application of this article 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.

(g) *Warning and disclaimer of liability.* The degree of flood protection required by this article 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 man-made or natural causes. This article 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 article shall not create liability on the part of the City of Royston, Georgia, or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(h) *Penalties for violation.* Failure to comply with the provisions of this article 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 article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $1,000.00 imprisoned for not more than 60 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 of Royston, Georgia from taking such other lawful actions as is necessary to prevent or remedy any violation.
(Ord. of 2-8-2011, § 1)

Sec. 38-148. Reserved.

Sec. 38-149. Administration.

(a) *Designation of ordinance administrator.* The City of Royston Building Official or his designee is hereby appointed to administer and implement the provisions of this article.

(b) *Permit procedures.* Application for a development permit shall be made to the City of Royston Building, Planning and Zoning Department on forms furnished by the city 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 non-residential structure will be floodproofed;

c. Design certification from a registered professional engineer or architect that any proposed non-residential floodproofed structure will meet the floodproofing criteria of subsection (2) below;

d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and

(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 non-residential 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 City of Royston Building Official or his designee shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop work order for the project by the City of Royston Building Official or his designee.

(c) *Duties and responsibilities of the administrator.* Duties of the City of Royston Building Official or his designee shall include, but shall not be limited to:

(1) Review proposed development to assure that the permit requirements of this article have been satisfied.

(2) Review proposed development to assure 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 U.S.C. 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 subsection 38-147(b), then the City of Royston Building Official or his designee shall 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 section 38-150.

(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 subsection (b)(2) above.

(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 subsection (b) of this section.

(7) When floodproofing is utilized for a structure, the City of Royston Building Official or his designee shall obtain certification of design criteria from a registered professional engineer or architect in accordance with subsection 38-147(b)(1)c. and subsection 38-150(b)(2) or (d)(2).

(8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

(9) Notify adjacent communities and the Georgia 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. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(11) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City of Royston Building Official or his designee shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(12) All records pertaining to the provisions of this article shall be maintained in the office of the City of Royston Building, Planning and Zoning Department and shall be open for public inspection.

(Ord. of 2-8-2011, § 1)

Sec. 38-150. Provisions for flood hazard reduction.

(a) *General standards.* In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(4) Elevated buildings--All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:(i) 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;(ii) The bottom of all openings shall be no higher than one foot above grade; and,(iii) 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 article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of

maintenance equipment used in connection with the premises, or entry to the elevated area, and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

(b) *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 subsection (a)(4), "Elevated buildings".

a. 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) *Non-residential 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 above, and shall provide such certification to the official as set forth above and in subsection 38-149(c).

(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:

(i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or

(ii) 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. (Ref. subsection (a)(6) above)

d. All recreational vehicles placed on sites must either:

(i) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or

(ii) The recreational vehicle must meet all the requirements for "new construction", including the anchoring and elevation requirements of subsection (b)(3)a. and c., above.

(4) *Floodway.* Located within areas of special flood hazard established in subsection 38-147(b), are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development on encroachments may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

b. Only if subsection a. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this section.

(c) *Building standards for streams without established base flood elevations and/or floodway (A-zones).* Located within the areas of special flood hazard established in subsection 38-147(b), 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 subsection 38-147(b), then the City of Royston Building Official or his designee, 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 section. Only if data are not available from these sources, then the following provisions (2) and (3) 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. (In the event 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 subsection (a)(4), "Elevated Buildings".

a. 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 City of Royston Building Official or his designee shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(d) *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 subsection 38-147(b), 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 subsection (b).

(e) *Standards for areas of shallow flooding (AO zones).* Areas of special flood hazard established in subsection 38-148(b), may include designated "AO" 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 non-residential 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 subsection (a)(4), "Elevated buildings".

The City of Royston Building Official or his designee 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 non-residential 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 above, and shall provide such certification to the official as set forth above and as required in subsection 38-149(b)(1)c. and subsection 38-149(b)(2).

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

(f) *Standards for subdivisions.*

(1) All proposals for subdivision and/or development project proposals shall be consistent with the need to minimize flood damage;

(2) All proposals for subdivision of land and/or development project proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All proposals for subdivision of land and/or development projects shall have adequate drainage provided to reduce exposure to flood hazards, and;

(4) For subdivisions and/or developments involving greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision projects and all other proposed development, including but not limited to 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 CLOMR.

(g) *Standards for critical facilities.*

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

(2) All ingress and egress from any critical facility must be protected to the 500-year flood elevation. (Ord. of 2-8-2011, § 1)

Sec. 38-151. Variance procedures.

(a) The mayor and council of the City of Royston, Georgia, shall hear and decide requests for appeals or variance from the requirements of this article.

(b) The council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the City of Royston Building Official in the enforcement or administration of this article.

(c) Any person aggrieved by the decision of the mayor and council of the City of Royston may appeal such decision to the Superior Court of Franklin 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 article 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 mayor and city council of the City of Royston, Georgia, shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

(h) Conditions for variances:

(1) A variance shall be issued only when there is:

(i) A finding of good and sufficient cause,

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this article are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice by the City of Royston Building Official 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 City of Royston Building Official 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 above and the purposes of this article, the mayor and city council of the City of Royston, Georgia, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
(Ord. of 2-8-2011, § 1)

Sec. 38-152. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Accessory structure means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction".

Appeal means a request for a review of the City of Royston Building Official or his designee's interpretation of any provision of this article.

Area of shallow flooding means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in subsection 38-148(b).

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means that portion of a building having its floor sub grade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical facility means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

(1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;

(2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

(3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

(4) Generating plants, and other principal points of utility lines.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing construction means for the purposes of determining rates structures for which the "start of construction" commenced before September 26, 2008.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before September 26, 2008.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood insurance rate map (FIRM) means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain means any land area susceptible to flooding.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be

reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure means any structure that is;

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for

establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after September 26, 2008 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after September 26, 2008 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after September 26, 2008.

North American Vertical Datum (NAVD) has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

Recreational vehicle means a vehicle, which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, includes but is not

limited to a manufactured home, a gas or liquid storage tank.

Subdivision means the division of a single lot into two or more lots for the purpose of sale or development.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the "start of construction" of the improvement. NOTE: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the City of Royston Building Official or Inspector, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this article, which permits construction in a manner otherwise prohibited by this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided by the developer or applicant to the City of Royston Building Official.
(Ord. of 2-8-2011, § 1)

Sec. 38-153. Severability.

If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this article.
(Ord. of 2-8-2011, § 1)

Chapters 39--41

RESERVED

Chapter 42

OFFENSES AND MISCELLANEOUS PROVISIONS*

* **Cross References:** Alcoholic beverages, ch. 6; amusements and entertainments, ch. 10; animals, ch. 14; businesses, ch. 22; cemeteries, ch. 26; courts, ch. 30; environment, ch. 38; parks and recreation, ch. 46; traffic and vehicles, ch. 70.

State Law References: Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.; limitation on home rule powers of municipal corporations with respect to duplication of state criminal offenses, O.C.G.A. § 36-35-6(a)(2).

Sec. 42-1. Disorderly conduct.

(a) Any person shall be guilty of disorderly conduct if he:

(1) Acts in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety for his life, limb or health.

(2) Acts in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.

(3) Endangers lawful pursuits of another by acts of violence, angry threats and abusive conduct.

(4) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.

(5) Assembles or congregates with another or others for the purpose of causing, provoking or engaging in any fight or brawl.

(6) Jostles or roughly crowds or pushes any person in any public place.

(7) Collects in bodies or in crowds for unlawful purposes.

(8) Assembles or congregates with another or others for the purpose of or with the intent to engage in gaming.

(9) Frequents any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device.

(10) Assembles with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the city, or aids or abets

therein.

(11) Utters, while in a state of anger, in the presence of another, any lewd or obscene words or epithets.

(12) Frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.

(13) Acts in a dangerous manner toward others.

(14) Uses fighting words directed towards any person who becomes outraged and thus creates turmoil.

(15) Assembles or congregates with another or others for the purpose of doing bodily harm to another.

(16) By acts of violence, interferes with another's pursuit of a lawful occupation.

(17) Congregates with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.

(18) Makes any unreasonably loud and unnecessary noise.

(19) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(20) Consumes alcoholic beverages on any public street, sidewalk, or any other public property within the corporate limits of the city. Possession of open containers of alcoholic beverages or containers with the seal broken shall be prima facie evidence of consumption.

(21) Consumes alcoholic beverages in a vehicle or not on any public or private parking lot within the corporate limits of the city, except those maintained at establishments holding a valid on-premises license for the retail sale of beer or wine. Possession of open containers of alcoholic beverages or containers with the seal broken shall be prima facie evidence of consumption.

(b) Any person convicted of disorderly conduct, as defined in this section, shall be punished as provided in section 1-12.
(Code 1984, § 31-101)

Sec. 42-2. Discharging firearms, air guns, BB guns or toy guns.

(a) It shall be unlawful for any person in the city to discharge any gun, pistol or other firearm within 300 yards of any street, alley or building, or at any point upon the land of another person without the express consent of the owner or occupant thereof; or to discharge at any time any air gun, BB gun or toy gun which projects lead or any other missile.

(b) This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending person or property.
(Code 1984, § 31-102)

Sec. 42-3. Throwing missiles.

It shall be unlawful for any person in the city to throw any stone, rock or other missile upon or at any vehicle, building, tree or other public or private property, or upon or at any person in any public or private way or place.
(Code 1984, § 31-104)

Sec. 42-4. Bonfires.

It shall be unlawful for any person, during a holiday or at any other time, to build a bonfire of any description within the city limits, except at places approved and designated by the chief of the fire department.
(Code 1984, § 31-106)

Cross References: Open burning, § 38-36 et seq.

Sec. 42-5. Release of criminal history concerning public or assisted housing.

Upon request of the executive director of the housing authority of the city or that official's designee, the police department shall release information including nonconviction data to the housing authority for the purpose of determining whether to deny or terminate assistance to an applicant or participant in public or assisted housing.
(Ord. of 6-11-96, § 1)

Editors Note: An ordinance adopted June 11, 1996, did not specifically amend this Code; hence, codification of § 1 as § 42-5 herein was at the editor's discretion.

Sec. 42-6. Curfew for minors.

It shall be unlawful for any person under the age of 16 to be on or about the public streets of the city after 10:00 p.m. unless accompanied by a parent or other adult over the age of 18.
(Ord. of 1-12-99, § 1)

Chapters 43--45

RESERVED

Chapter 46

PARKS AND RECREATION*

* **Cross References:** Alcoholic beverages, ch. 6; amusements and entertainments, ch. 10; cemeteries, ch. 26; offenses and miscellaneous provisions, ch. 42; traffic and vehicles, ch. 70.

State Law References: Power to provide parks, recreation areas, programs and facilities, Ga. Const. art. 9, sec. 2, par. 3(a)(5); parks, O.C.G.A. § 12-3-1 et seq.; authority of municipality to construct and operate parks, swimming pools, golf courses, recreation grounds and buildings used for sports, O.C.G.A. § 36-34-3; establishment of recreation systems, O.C.G.A. § 36-64-1 et seq.

Article I. In General

Article II. Use of Facilities

ARTICLE I.

IN GENERAL

Secs. 46-1--46-25. Reserved.

ARTICLE II.

USE OF FACILITIES

Sec. 46-26. Use of grounds and facilities generally.

Each person using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order and the facilities in a neat and sanitary condition. (Code 1984, § 23-102(1))

Sec. 46-27. Prohibited acts.

It shall be unlawful for any person using the parks, grounds or facilities to either perform or permit to be

performed any of the following acts:

(1) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof; signs, notices or placards whether temporary or permanent; monuments; stakes, posts or other boundary markers; or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

(3) Damage, cut, carve, transplant or remove any tree or plant or any part thereof.

(4) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; or remove or have in his possession the young of any wild animal, or the eggs, nest or young of any other animal.

(5) Bring in or dump, deposit or leave any bottles, broken glass ashes, paper boxes, cans, dirt, rubbish, waste garbage, refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; and where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for the presence of it, and properly disposed of elsewhere.

(6) Disturb the peace, or use any profane or obscene language.

(7) Endanger the safety of any person by any conduct or act.

(8) Commit any assault or battery, or engage in fighting.

(9) Carry, possess or drink any alcoholic beverage in the park.

(10) Violate any rule for the use of the park, made or approved by the park and recreation board.

(11) Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this article and with the rules applicable to such use.

(12) Swim, bathe or wade in any waters or waterways in or adjacent to any park; except in such waters and at such places as are provided therefor, and in compliance with such regulations as are set forth in this article or may be hereafter adopted.

(13) Dress or undress on any beach, or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(Code 1984, § 23-102(2))

Sec. 46-28. Hours of operation.

(a) The public parks shall be open daily to the public at such hours as shall be determined from time to time by the city council; and it shall be unlawful for any person other than city personnel conducting city business therein to occupy or be present in such parks during any other hours.

(b) Any section or part of a park, or an entire park, may be declared closed to the public by the city manager at any time and for any interval of time, either temporarily or at regular or stated intervals.
(Code 1984, § 23-102(3))

Sec. 46-29. Group activity.

(a) Whenever any group, association or organization desires to use any park facilities for a particular purpose, such as picnics, parties or theatrical or other entertainment performances, a representative of the group, association or organization shall first obtain a permit from the city manager for such purpose.

(b) The city manager shall grant the application for a permit if it appears that the group, association or organization will not interfere with the general use of the park or facility by individual members of the public, and if the group, association or organization meets all other reasonable conditions which may be imposed by the director of public works.

(c) The application may contain a requirement for an indemnity bond to protect the city from any liability of any kind or character and to protect city property from damage.
(Code 1984, § 23-102(4))

Sec. 46-30. Picnic areas.

No person in a park shall use any portion of the picnic areas, or of any of the buildings or structures therein, for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded.
(Code 1984, § 23-102(5))

Sec. 46-31. Games.

It shall be unlawful for any person to take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms or recreation. The playing of rough or potentially dangerous games such as football, baseball, and soccer is prohibited except on the fields, courts or areas provided therefor.
(Code 1984, § 23-102(6)(a))

Sec. 46-32. Camping.

It shall be unlawful for any person to set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used, or that could be used, for such purpose, such as a house trailer, camp trailer, camp wagon or

the like.
(Code 1984, § 23-102(6)(b))

Sec. 46-33. Fires.

It shall be unlawful for any person to build or attempt to build a fire except in such areas and under such regulations as may be designated by the city manager. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.
(Code 1984, § 23-102(6)(c))

Sec. 46-34. Animals.

It shall be unlawful to bring any dangerous animal into any park, and it shall be unlawful to permit any dog to be in any park unless the dog is on a leash not more than six feet long.
(Code 1984, § 23-102(6)(d))

Sec. 46-35. Automobiles.

It shall be unlawful to drive or park any automobile except on a street, driveway or parking lot in any park; or to park or leave any such vehicle in any place other than one established for public parking.
(Code 1984, § 23-102(6)(e))

Sec. 46-36. Vending, sales.

It shall be unlawful for any person to vend, sell, peddle or offer for sale any commodity or article within any park without a permit from the city manager.
(Code 1984, § 23-102(6)(f))

Sec. 46-37. Alcoholic beverages.

It shall be unlawful for any person within any park to have in his possession, custody or control any alcoholic beverage of any kind whatsoever.
(Code 1984, § 23-102(6)(g))

Sec. 46-38. Signs.

It shall be unlawful for anyone to paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except that these provisions shall not apply to any properly authorized government official in pursuit of any official duty, without permission of the city council.
(Code 1984, § 23-102(6)(h))

Chapters 47--49

RESERVED

Chapter 50

PEDDLERS AND SOLICITORS*

* **Cross References:** Businesses, ch. 22.

State Law References: Georgia Charitable Solicitations Act of 1988, O.C.G.A. § 43-17-1 et seq.; peddlers and itinerant traders, O.C.G.A. § 43-32-1 et seq.; Transient Merchant Act of Georgia, O.C.G.A. § 43-46-1 et seq.

ARTICLE I.

IN GENERAL

Secs. 50-1--50-20. Reserved.

ARTICLE II.

CHARITABLE SOLICITATIONS

Sec. 50-21. Investigation of application.

Upon the filing of an application for a permit under this article, the city manager shall immediately make an investigation to determine the truth or falsity of the recitals in the application and if she determines that any of the material statements of fact are false, she shall so notify the city clerk and a permit shall not issue.
(Ord. of 8-11-98, § 1)

Sec. 50-22. Denial of permit; appeals.

Upon refusal to grant a permit under this article, the city clerk shall notify the applicant in writing and within ten days thereof the applicant may file a petition with the mayor and council to review the decision of the city clerk, and the decision of the mayor and council shall be subject to review in the same manner as other decisions of the mayor and council relating to the issuance of licenses.
(Ord. of 8-11-98, § 1)

Chapters 51--53

RESERVED

Chapter 54

SIGNS*

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* **Cross References:** Planning commission, § 2-121 et seq.; alcoholic beverages, ch. 6; amusements and entertainments, ch. 10; buildings and building regulations, ch. 18; businesses, ch. 22; zoning, app. A.

State Law References: Regulation of signs used by retail distilled spirits dealer; signs advertising Georgia lottery, O.C.G.A. § 3-4-3; prohibited placement of campaign posters, signs and advertisements, O.C.G.A. § 21-1-1; unlawful placement of signs within right-of-way of public road, O.C.G.A. § 32-6-51; regulation of outdoor advertising in vicinity of interstate highways, O.C.G.A. § 32-6-70 et seq.

Editors Note: An ordinance adopted Sept. 11, 2001, amended former ch. 54, relative to signs within the municipality, in its entirety, and reenacted ch. 54 to read as herein set out. The former provisions of ch. 54 were derived from Code 1984 §§ 34-101 through 34-115. As subsequently amended see the Code Comparative Table at the back of this volume for complete derivation.

SEE FILE NEWLY ADOPTED ORDINANCE "UPDATED CHAPTER 54 SIGN ORDINANCE" ADOPTED BY COUNCIL FEB 18 2014

Chapters 55--57

RESERVED

Chapter 58

SOLID WASTE*

* **Editors Note:** An ordinance adopted Jan 12, 2001, amended Ch. 58 in its entirety, as herein set forth. Formerly, such chapter, §§ 58-1--58-9, pertained to similar subject matter derived from the 1984 Code, §§ 12-101--12-109.

Cross References: Buildings and building regulations, ch. 18; businesses, ch. 22; environment, ch. 38; streets, sidewalks and other public places, ch. 62; utilities, ch. 74; zoning, app. A.

State Law References: Authorization to provide garbage and solid waste collection and disposal, Ga. Const., art. 9, sec. 2, par. 3; Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local and regional solid waste plans, O.C.G.A. § 12-8-31.1; scrap tire disposal restrictions, O.C.G.A. § 12-8-40.1; yard trimmings disposal restrictions, O.C.G.A. § 12-8-40.2; Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq.; Litter Control Law, O.C.G.A. § 16-7-40; 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; transportation of biomedical waste, O.C.G.A. § 40-6-253.1; solid waste management education program; establishment of Georgia Clean and Beautiful Advisory Committee and Interagency Council on Solid Waste Management, O.C.G.A. § 50-8-7.3.

Article I. In General

Article II. Collection and Disposal

ARTICLE I.

IN GENERAL

Sec. 58-1. 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:

Approved commercial refuse container means a manufactured container suitable for emptying by mechanical equipment and approved by the director of sanitation. The following standards are prescribed for commercial containers:

(1) All containers shall be steel, properly reinforced, and continuously welded.

(2) All lids shall be flanged and reinforced for strength.

(3) The pickup side of the container shall be reinforced inside or outside at the point of torque tube contact.

(4) Inside reinforcement shall be pressed steel angle.

(5) Bottoms shall be reinforced with a 1 1/2 inch drain plug, installed flush with bottom.

(6) All containers shall be primed and finished with enamel or epoxy paint.

(7) Body dimensions as to length and height of the container may vary with the size of the container; however, all container widths shall be 72 inches. Minimum gauges of steel shall be as follows:

Walls--12 gauge Ends--

12 gauge

Bottoms--12 gauge for four cubic feet and below; ten gauge for all over four cubic feet

Lids--16 gauge (or durable molded plastic)

Doors--14 gauge

Approved residential refuse container shall be a 90-gallon plastic rollaway cart as supplied by the city for precollection storage of refuse.

Approved litter container means a stone, metal, plastic or wooden container with a plastic or metal insert designed to be used for the collection of litter. Such containers may be placed at strategic locations to encourage pedestrians to use them for discarded packaging, bottles and cans. It shall be a violation of this chapter to use litter cans for the disposal of garbage, trash (other than litter) or yard trimmings.

Approved single-use recyclables container means a clear plastic bag as defined herein. Its total filled weight shall not exceed 50 pounds.

Approved single-use refuse container means a 32-gallon blue plastic bag, containing the city seal imprinted on its side and available for purchase at city hall and approved retailers throughout the city, used to contain refuse for disposal and intended to be discarded with its contents. Its total filled weight shall not exceed 50 pounds.

Approved single-use yard trimmings container means a watertight paper bag or corrugated cardboard box used to contain yard trimmings for disposal and intended to be discarded with its contents. The capacity of the container shall not exceed 30 gallons, shall be of sufficient strength to be loaded into a collection vehicle without spilling its contents, and its total filled weight shall not exceed 50 pounds.

Collector means a person who, under agreements, oral or written, with or without compensation, does the work of collecting or transporting refuse or recyclables, from residential dwellings, businesses, institutions,

offices, retail outlets, or similar locations; provided, however, that this definition shall not include an individual collecting or transporting refuse or recyclables from his/her own dwelling unit.

Commercial and industrial refuse means waste material from industrial processes, manufacturing canneries, packing plants, or similar industries, and large quantities of condemned foods. Commercial refuse also includes waste material from the construction, remodeling and repair operations on houses, commercial buildings, multiple dwellings and other structures, such as concrete, bricks, plaster, stone, rocks, earth, lumber, roofing materials, gutters, shavings and sawdust.

Commercial establishment means any hotel, motel, apartment house, rooming house, business, industrial, public or semipublic establishment of any nature or kind whatsoever other than a single dwelling unit, residential unit or condominium.

Compactor container means a manufactured commercial container of any size with a self-contained compacting mechanism or an external compactor which is designed to be used in conjunction with a front loading vehicle other than those used in conjunction with individual home appliances.

Compost means rich black soil suitable for use as fertilizer or for conditioning land.

Condominium means individual ownership units in a multifamily structure with a front and back entrance to each such unit on the ground level.

Disposal facility means any landfill, pulverization plant, transfer station or incinerator operated by, under contract to, or licensed by the county or other jurisdictional authority to which refuse may be transported by public or private transportation.

Dwelling unit means a residence for one family.

Front building line means the line established by the front of the dwelling between a property's two side property lines.

Garbage means food waste, including waste accumulation of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

Hazardous waste means any refuse which has been defined as a hazardous waste in regulations promulgated by the Georgia Board of Natural Resources, chapter 391-3-11.

Home composting means collecting yard trimmings in piles or bins in the backyard and allowing them to become mulch or compost on-site.

Landfill means a disposal site for disposing of refuse, other than putrescible wastes or hazardous wastes, on land by placing an earth cover thereon.

Litter means scattered garbage or trash.

Multiple dwelling means (for the purpose of this chapter) a building designed for and containing more than four dwelling units.

Municipal landfill means a landfill operated by the county or some other jurisdictional authority for disposal of putrescible waste in compliance with applicable state and federal laws and regulations.

Noncombustible trash means materials which are unburnable in the incinerator or at incinerator temperatures of 800 to 1,800 degrees Fahrenheit such as dirt, concrete, bricks, plaster, rocks, stone, metal furniture, large metal straps and wires, auto bodies or parts, logs over six inches in diameter and other similar material, or construction debris.

Owner means any person owning, leasing, renting, occupying or managing any premises within the jurisdiction of the city.

Person means the state or any agency or institution thereof, any municipality, political subdivision, public or private corporation, special district empowered to engage in solid waste management or recycling activities, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, special district empowered in solid waste or recycling activities, or public or private corporation.

Plastic bag means a polyethylene or other heavy-duty plastic bag meeting the National Sanitation Foundation standard of at least 1.5 mils and not exceeding a 30-gallon capacity, with securing twist tie. An untied plastic bag shall not be an approved disposable container.

Private contractor or *commercial solid waste* or *recycling firm* means any person, other than a municipality, who collects, removes, salvages, or disposes of refuse or recyclables from one or more public or private premises, other than his/her own, whether or not under written contract, and whether or not for compensation.

Putrescible waste means wastes that give off foul odors while being decomposed by microorganisms. Examples of putrescible wastes include, but are not necessarily limited to, animal manure, feces, and garbage.

Recyclables means items designated by the city to be collected separately from refuse for diversion from a municipal landfill and conveyed to a recycling firm. Recyclables may include newspapers, cans, glass containers, and similar materials, but the list of recyclable items will vary with market conditions. Other items such as yard trimmings, appliances and motor vehicle tires may sometimes be considered to be recyclables.

Recycling means any process by which materials which would otherwise become refuse are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Refuse means garbage or trash. It is interchangeable with solid waste.

Residential unit (for the purpose of this chapter) means any freestanding structure that contains one to four dwelling units.

Scavenge means unpermitted removal of refuse or recyclables.

Solid waste means refuse that is free from liquid. It does not include recyclables, yard trimmings, appliances or motor vehicle tires.

Special fee basis means subject to the availability of personnel and equipment, and when the director of sanitation considers such action to be in the best interests of the city, he/she may authorize the collection by the city of refuse which does not otherwise comply with the standards of this chapter. Where such collection is made at the request of the owner or other responsible individuals, a special charge shall be made based on the actual time required at a rate as set forth in the schedule of fees and charges.

Special industrial waste container means any container such as a metal box, bucket, an open bed container or special container used for transporting chemicals, paint, metals, glass, oil products, plastics or any type of material that requires special handling and cannot be incinerated.

Stationary compactor means an object of a refuse container system which compacts refuse at the site of generation into a pull-on detachable container.

Trash means discarded solid waste that is not considered recyclable by the city including paper, cartons, boxes, clothing, lumber, furniture, crockery, dunnage, and similar materials.

Yard trimmings means plant leaves, brush, grass clippings, vines, discarded Christmas trees, and plant branches (up to four inches in diameter). Also, known as landscape materials.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-2. Administration and enforcement of chapter.

(a) The sanitation services supervisor shall be responsible for the administration and enforcement of the provisions of this chapter. He/she may call upon the city chief of police and/or code enforcement officer and the county director of public health for assistance in its enforcement. All regulatory actions of the director of sanitation shall be subject to review and approval by the city manager and mayor and city council.

(b) The sanitation services supervisor and/or city code enforcement officer shall be sanitation inspectors who shall have authority, and whose duty shall be to make routine inspections of refuse and recyclables containers and collection areas and determine the serviceability and condition of said containers and collection areas. Upon determining that a container or area is becoming or has become unserviceable or unsanitary or likely to cause an unsanitary condition, the inspector shall issue a notice to the owner or occupant of the premises upon which said container or condition exists to inform him/her of the existing condition. It shall be the duty of the inspector to issue a summons directed to the owner or occupant to whom such notice has been issued and who has failed to take corrective action within a reasonable time as determined by the director of sanitation to appear in the municipal court to answer the charge of violation of the appropriate section of this chapter.

(c) Inspectors shall have the authority to enforce all the provisions of this chapter and may issue a summons to any violator of any provision to appear in the municipal court to answer to the charge of violation of the appropriate section of this chapter.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-3. Penalty for violation of chapter.

Any violation of this chapter is punishable, upon conviction, according to the provisions of Section 1-12. (Ord. of 1-11-2001, § 1(Exh. A))

Secs. 58-4--58-30. Reserved.

ARTICLE II.

COLLECTION AND DISPOSAL

Sec. 58-31. Establishment of collection routes and schedules.

The sanitation services supervisor shall establish routes and schedules for the regular collection of refuse and recyclables throughout the city. The supervisor shall prepare a list of the names of all the streets, roads, alleys, drives, highways and other public thoroughfares within each such route and shall keep such map and lists in his office for public inspection and shall furnish a copy of the map showing any particular route along with a list of the names of the public thoroughfares therein to any person who requests same upon the payment of the actual cost for the reproduction of such map and list by either a city or commercial facility, whichever in his discretion is available.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-32. Preparation and storage of residential refuse and recyclables for collection; certain refuse prohibited.

It shall be the duty of the occupant or owner of any premises to keep all refuse and recyclables pending collection and disposal as follows:

(1) *Garbage.* All garbage shall be free from liquid and placed in an approved single-use refuse container (plastic bag) with the top secured and placed in an approved refuse container. Containers adequate to hold the garbage normally accumulating between scheduled removals shall be provided on each premises.

(2) *Trash.* Trash shall be free from liquid and placed in an approved single-use refuse container. Large items such as furniture shall be set on the curb separately from yard trimmings and metal appliances. All trash shall be placed at the curb on each premises for collection. Packing materials such as styrofoam "peanuts" shall be placed in securely tied or fastened, approved, single-use containers to prevent scattering.

(3) *Recyclables.* Recyclables shall be placed in an approved single-use recyclables container. If one container is too small to hold all recyclables, additional approved containers may be placed beside the first container at the curb of each premises.

(4) *Yard trimmings.* Yard trimmings shall not be mixed with other solid waste. To the maximum extent feasible, yard trimmings shall be chipped, composted, used as mulch or otherwise

beneficially reused or recycled. Yard trimmings shall be sorted and stored for collection in such a manner as to facilitate collection, composting or other handling. Yard trimmings shall be containerized in approved refuse containers, or approved single-use yard trimmings containers, except that tree branches and heavy brush which will not fit into containers shall be cut in lengths not exceeding three feet and stacked in a compact pile on the curb (or property line in the case of streets where curbing has not been installed) in front of the premises, but such piles shall not extend into the street or obstruct the sidewalk. Sticks, hedge clippings and small brush shall be gathered into bundles and tied securely so that each bundle does not exceed three feet in length nor weigh more than 50 pounds. Yard trimmings or containers shall be placed or piled on the curb in such location or manner so as not to impede passengers from boarding or departing from vehicles. The city shall not collect logs and limbs over three feet in length, larger than four inches in diameter or weighing more than 50 pounds.

(5) *Noncombustible trash.* Noncombustible trash, except as provided under subsection (9) below of this section, and liquids shall not be collected by the city and shall be properly disposed of by the owner.

(6) *Cleanliness of containers.* All refuse and recycling containers, except single-use containers, shall be kept clean and free of accumulated waste and shall be treated with an effective insecticide, if necessary, to prevent nuisance.

(7) *Accumulations of refuse or recyclables; responsibility of the owner.* Each owner shall prevent, or otherwise be held responsible for, unsightly accumulations of refuse or recyclables upon the property occupied by him/her or public thoroughfares adjoining his/her property.

(8) *Dangerous or corrosive materials.* It shall be a violation of this chapter to place or cause to be placed in any refuse or recyclables container for collection any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.

(9) *Household appliances.* Inoperable or worn out privately used household appliances (refrigerators, stoves, washing machines, dryers) shall be collected at the curb for recycling. Refrigerators and freezers must have their doors removed or secured shut prior to being left at the curb.

(10) *Commercial waste.* Commercial waste generated from the conduct of business or commercial enterprise carried on from residential units shall not be collected except on a special fee basis.

(11) *Pet litter; disposable diapers; other similar waste.* Pet litter, disposable diapers and similar waste must be contained in a securely tied approved single-use container and placed in a refuse container at the curb.

(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-33. Preparation and storage of commercial and multiple dwelling refuse and recyclables for collection.

(a) *Arrangements for storage of refuse and recyclables, and location of containers; approval*

required. It shall be the responsibility of each commercial establishment, condominium, or multiple dwelling to provide adequate containers for storage of its own waste. Before a building permit shall be issued for construction of a commercial establishment, condominium, or multiple dwelling, arrangements for the storage of refuse and recyclables, and location of containers shall be approved by he sanitation services supervisor. Prior to the collection of recyclables by the city, the sanitation services supervisor shall determine the feasibility of collecting recyclables.

(b) *Location.* Commercial refuse containers at existing commercial establishments and multiple dwellings serviced by city collection vehicles shall be placed at locations approved by the sanitation services supervisor for collection by the sanitation department. The city shall not collect refuse from commercial establishments or multiple dwellings unless it is placed in commercial containers, properly located, except where space or other limitations dictate other arrangements which shall be specifically approved by the sanitation services supervisor. Similarly, if recyclables are collected by city collection vehicles, recyclables containers and their location for collection must be approved by the sanitation services supervisor.

(c) *Joint responsibility of owners sharing use of a container.* Where the occupants of two or more commercial establishments share the use of a commercial refuse container or recyclables container, it shall be the joint responsibility of the users to maintain the area surrounding such container clean and free of accumulations of refuse or recyclables.

(d) *Maintenance of surrounding area.* The occupant of a commercial establishment and the management of multiple dwellings serviced by a commercial refuse container or a recyclables container shall be responsible for maintaining the area surrounding the container clean and free from refuse and recyclables.

(e) *Preparation of refuse.* All refuse shall be free of liquid and placed in watertight paper or plastic bags with the tops secured prior to being placed in a commercial refuse container.

(f) *Cardboard boxes.* Empty cardboard boxes shall be flattened before being placed in a commercial refuse or a recyclables container.

(g) *Prohibited items.* A commercial refuse container containing the following items shall not be emptied until such items are removed:

(1) Large household or industrial appliances.

(2) Furniture and wooden crates.

(3) Tires and heavy motor vehicle parts such as engines and transmissions.

(4) Liquids, including paint, cooking oil and motor vehicle fluids and lubricants.

(5) Logs or limbs over four feet in length or six inches in diameter.

(6) Bed springs and mattresses.

(7) Rocks, dirt, bricks, concrete, stone, plaster, sheetrock, roofing or other similar materials.

(8) Uncontainerized refuse.

(9) Items such as lumber that protrude from the container or refuse placed on top or in front of the container.

(10) Yard trimmings.

(h) *Household appliances.* Normal household appliances shall be collected at multiple dwellings served by commercial refuse containers, when placed adjacent to (but not in front of) the container and reported to the sanitation department. Refrigerator and freezer doors shall be removed or secured shut prior to the appliance being left by the container.

(i) *Maintenance of containers.* The users of commercial refuse containers and recyclables containers shall be responsible for the appearance, maintenance and serviceability of containers procured by them or placed for their use.

(j) *Continuation of service.* The city shall continue to empty commercial refuse containers presently in use, subject to their serviceability, as determined by the sanitation services supervisor. All commercial containers put into service after enactment of the ordinance [adopted January 11, 2001] from which this section derives shall meet the requirements set forth under section 58-1 and shall have a capacity of not less than four cubic yards or more than eight cubic yards when emptied by front loading refuse vehicles and not more than three cubic yards when emptied by rear loading refuse vehicles.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-34. Collection of refuse and recyclables generally; conditions for collection by the city.

(a) *Collection by licensed persons or firms under city contract.* Refuse or recyclables may be collected for disposal by the city by persons or commercial solid waste or recycling firms under contract to or authorized by the city.

(b) *Conditions for refuse and recyclables collection.* The city shall collect refuse and recyclables under the following conditions:

(1) Refuse and recyclables shall be collected once each week from residential units; except for exceptionally large piles of limbs which may require an excessive period of time to load.

(2) Refuse and recyclables shall be collected from commercial establishments and multiple dwellings as often as the sanitation services supervisor determines is necessary and/or according to terms of city commercial fee schedule as established by the mayor and council. Recyclables shall not be collected more than once per week.

(3) Dead dogs and house pets shall be collected only from animal hospitals, curbsides and public rights-of-way. Dead house pets shall be in a plastic bag placed at the curb and shall be collected on an on-call basis to the sanitation department during normal working hours. Large dead animals shall be disposed of by the individual concerned, the animal owner or property owner,

since the city has no responsibility to supply service for the removal and disposal of large dead animals.

(4) Collection service shall be discontinued where refuse and recyclables containers are inadequate or have been condemned as unfit by a sanitation inspector and notice of same has been given to the owner or occupant of the premises who has refused to correct the situation. If the owner or occupant continues to use improperly a city-issued refuse or recyclables container after a notice has been given by a sanitation inspector, the container shall be collected by the sanitation department. Similarly, if a litter container is repeatedly used for refuse other than litter, it shall be removed from that location.

(5) Collection on special fee basis. The city shall not be responsible for collecting or hauling discarded building material, dirt, rock or discarded furniture and appliances from private property, nor shall it be responsible for collecting of hauling trees, bushes or other vegetation from or generated by commercial tree trimmers, landscapers or building contractors.

(c) *Location of prepared residential trash.* city collectors will remove properly prepared residential trash from the curbside only.

(d) *Timing for placement of prepared refuse.* The owner or occupant shall place the approved refuse and recyclables containers at the curb at or before 7:30 a.m. or prior to the arrival of the collectors. Placement of refuse and recyclables shall not be made before 5:00 p.m. on the day prior to collection day. Yard trimmings, furniture and appliances shall be placed at the curb as close as practical to the next collection day.

(e) *Removal of emptied containers.* The owner or occupant shall remove all refuse and recyclables containers from the curb to the storage location not later than 12:00 midnight on the day the contents are collected.

(f) *Abandoned motor vehicles or parts and refuse generated by commercial tree trimmers and building contractors.* The city shall not collect abandoned motor vehicles, or discarded parts therefrom, or trees, brushes or other vegetation from or generated by commercial tree trimmers, or trash resulting from work done by building contractors. Such items shall be disposed of by other means by the respective owner or contractor concerned.

(g) *Paint cans.* Paint cans shall be collected if empty or if the paint therein is dry or solidified with same or pet litter and the cans are placed at the curb with lids off.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-35. Assessment and collection of special charges for collection by the city of refuse on a special fee basis.

When, at the request of the owner or other responsible individuals, the sanitation services supervisor authorizes the collection by the city of refuse which does not otherwise comply with the standards of this chapter, the special charge made therefor shall be assessed, based upon the actual time required at the rate as set forth in the schedule of fees and charges, and the amount of such assessment shall be a lien on the real estate from which such refuse is collected, such lien dating from the time of collection. The mayor and council shall

have full power and authority to enforce collection of the amount of such assessment so made for such refuse collection, by execution to be issued by the clerk of the city against the real estate and the owner thereof. Such executions shall be levied by the marshal of the city and, after advertising and other proceedings, as in the case of sale of realty for city taxes, such property so levied upon, or so much thereof as may be necessary to bring the amount of such assessment and costs, may be sold by the marshal of the city at public outcry to the highest bidder. Such sale shall vest absolute title to such property in the purchaser, provided that the defendant in execution shall have the right to file an affidavit denying that the whole or any part of the amount of such execution is due and stating what he/she admits to be due, if any, which amount so admitted to be due shall be paid before the affidavit shall be received. The affidavit shall be filed with the marshal of city and, when received, shall be returned by him/her to the county superior court, and there shall be tried and the issue determined as in cases of illegality, subject to all the penalties provided by law in cases of illegality of delay. The lien for the assessment on real property shall have rank and priority of payment next in point of dignity to lien for taxes and liens for assessment of street and sidewalk improvement, if any.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-36. Regulation of private transportation of refuse and recyclables.

(a) It shall be unlawful for any person including city collectors and solid waste and recycling contractors to haul, convey, or cause to be conveyed any refuse or recyclables, including discarded building material or discarded furniture, upon or along the public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaking, or being blown from transporting vehicles. The operator owner of the offending vehicle shall be personally responsible for any violation of this section.

(b) It shall be a violation of this chapter for any person, not approved by the city, to collect and haul any refuse or recyclables other than that arising from his own accumulation. All areas are serviced by the city.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-37. Regulation of commercial solid waste and recycling firms.

(a) *Provision of service by solid waste and recycling firms.* The city manager shall maintain a list of solid waste and recycling firms authorized to provide or service commercial refuse containers, stationary compactors, stationary compactor containers or industrial waste containers in the city.

(b) *Authorization to provide service and pertinent information supplied by the city manager.* Commercial solid waste and recycling firms providing service in the city shall submit a letter of intent to the city manager listing the type, size and frequency of service of all commercial containers, stationary compactors (excluding residential units), stationary compactor containers, and industrial waste containers to be installed or serviced by them. The city manager shall provide each applicant firm with a written authorization for the service proposed and furnish a copy to the office of the code enforcement officer. The city manager shall, upon request, provide applicant firms with pertinent information as to any provisions of this chapter relative to the service they propose to provide.

(c) *List of containers supplied to the city manager.* Commercial solid waste or recycling firms authorized to provide service within the city shall provide the city manager with a list showing the type, size and frequency of service of all commercial refuse containers, recyclables containers, stationary compactors

(excluding residential units), stationary compactor containers, and industrial waste containers serviced by them. Such list shall be provided within 30 days following enactment of the ordinance [adopted January 11, 2001] from which this section derives. Failure to comply may result in suspension or cancellation of the authorization to provide such service. Changes to the list shall be provided to the city manager by the firm as they occur.

(d) *Permit decal, name, address and phone number of the firm required on containers.* Each commercial refuse container, recycling container, stationary compactor, and industrial waste container serviced by a commercial solid waste or recycling firm shall have affixed in a conspicuous place a distinctive red decal issued by the city sanitation department which shows it is authorized to operate in the city. Commercial solid waste or recycling firms authorized to provide service within the city shall obtain decals from the sanitation department and shall place them on the containers that they service. In addition each commercial refuse container, recyclables container, stationary compactor, or waste container shall carry in a conspicuous place the name, telephone number and address of the firm authorized to service it. Distinctive decals shall be placed on commercial refuse containers serviced by the city sanitation department.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-38. Disposal of refuse.

(a) *Prohibited without approval.* It shall be unlawful for any person to dump or to cause to be dumped any refuse such as garbage, trash, litter, building material, motor vehicle parts, or equipment, or recyclables such as appliances, cans, bottles, newspapers, telephone books, grass clippings, trees, tree limbs, brush or parts thereof anywhere in the city without the expressed approval by action of the mayor and city council under such terms and conditions as may be invoked from time to time by the mayor and city council.

(b) *Exception; conditions.* The provisions of subsection (a) of this section do not apply to the dumping on private property with the owner's permission of sand, dirt, broken bricks, blocks or broken pavement or other suitable materials for use as fill to raise the elevation of the land, provided the same is not maintained in an unsightly condition and provided the owner of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment, and to cover it with dirt, upon direction of the mayor and council.

(c) *Identification of party engaging in illegal dumping.* If any of the material dumped in violation of the provisions of subsection (a) of this section can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited therein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter and material in violation of this chapter.
(Ord. of 1-11-2001, § 1(Exh. A))

Sec. 58-39. Fees established.

The fees for the collection and disposal of refuse and the provision of related services therefor shall be as established by action of the mayor and council from time to time; a copy of which schedule shall be maintained for public inspection in the office of the city clerk.
(Ord. of 1-11-2001, § 1(Exh. A))

Chapters 59--61

RESERVED

Chapter 62

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* **Cross References:** Buildings and building regulations, ch. 18; businesses, ch. 22; erosion and sedimentation control, § 38-116 et seq.; solid waste, ch. 58; utilities, ch. 74; vehicles for hire, ch. 78; zoning, app. A; manufactured home regulations, app. C.

State Law References: Power to construct and maintain roads, including curbs, sidewalks, street lights and devices to control the flow of traffic, Ga. Const. art. 9, sec. 2, par. 3; obstructing sidewalks or other public passages, O.C.G.A. § 16-11-43; Georgia Code of Public Transportation, O.C.G.A. § 32-1-1 et seq.; authorization by any county or municipality for construction or maintenance of any private road unlawful, O.C.G.A. § 32-1-8; state, county and municipal road systems, O.C.G.A. § 32-4-1 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; enclosure of lanes or alleys, O.C.G.A. § 36-30-11; power of city to open, close or extend public streets, alleys and sidewalks, O.C.G.A. § 36-34-3; municipal street improvements, O.C.G.A. § 36-39-1 et seq.; executions for collection of municipal assessments for paving streets and laying sewers, O.C.G.A. § 48-5-358.

Article I. In General

Article II. Permit Procedure

Article III. Excavations

ARTICLE I.

IN GENERAL

Sec. 62-1. Maintenance and repair of public streets.

All maintenance and repair of public streets, alleys, curbs, sidewalks and other public ways shall be under the supervision of the street superintendent, which officer shall have the responsibility of enforcing all provisions of this Code and all ordinances of the city relating to such public ways.
(Code 1984, § 22-101(1))

Sec. 62-2. Maintenance of sidewalks.

It shall be the duty of all owners of property in the city upon which sidewalks have been laid to keep such walkways in good repair at all times and to remove from them all snow or ice within 12 hours from the time such snow or ice ceases to fall, or within less time if so ordered by the chief of police or the street superintendent.
(Code 1984, § 22-101(2))

Sec. 62-3. Maintenance of property between sidewalks and streets.

(a) All persons who own real estate in the city which abuts upon any sidewalk which is paved shall be required to keep that portion of such sidewalk which lies between the property line and the curbline of the adjoining street, and upon which his real estate abuts, in good and smooth condition and free from growing weeds and other obnoxious and unsightly vegetation or other things which would mar or detract from the beauty and cleanliness of the street upon which their property abuts.

(b) Any property owner who shall place or allow grass to grow upon the portion of the sidewalk lying between the property line and the curb line of the street as aforesaid, and upon which his real estate abuts, shall keep such grass properly mowed and free from rubbish of all kinds. If such owners are not in the possession of their property, this section shall apply to their tenants or those who have possession or control of the same.
(Code 1984, § 22-101(3))

Sec. 62-4. Defacing sidewalks, streets, curbs.

It shall be unlawful for any person to deface any public sidewalk, street or curb in the city by painting any signs thereon, whether for commercial advertising purposes or not, or to walk or drive any vehicle upon or injure in any way any newly laid street, sidewalk or curbing pavement while the same is guarded by a warning sign or barricade or is soft or newly laid.
(Code 1984, § 22-101(4))

Sec. 62-5. Obstructions.

It shall be unlawful for any person to cause, create or maintain any obstruction on any street, alley, sidewalk or other public way, except as may be provided in this chapter or in the ordinances and laws of the

city.
(Code 1984, § 22-101(5))

Sec. 62-6. Deposits, discharges onto streets and sidewalks.

(a) It shall be unlawful for any person to deposit on any street or sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass or other article which may do injury to any person, animal or property.

(b) It shall be unlawful for any person to discharge or allow to be discharged onto any public street or sidewalk any water or other fluid material containing objectionable material such as sewage, waste milk or other organic material.
(Code 1984, § 22-101(6))

Sec. 62-7. Report of defects, obstructions, deposits, discharges.

It shall be the duty of every city officer and employee who becomes aware of any defect or obstruction, or of any unlawful deposit or discharge, in or on any public street, alley, curb, sidewalk or other public way of the city to report the same to the street superintendent as soon as possible.
(Code 1984, § 22-101(7))

Sec. 62-8. Private use for sales, advertising.

It shall be unlawful for any person to use any street, sidewalk or other public place as space for the display of goods or merchandise for sale; or to write or make any sign or advertisement on any such pavement.
(Code 1984, § 22-101(8))

Sec. 62-9. Encroachments.

It shall be unlawful for any person to erect or maintain any building or structure which encroaches upon any public street or property, or to erect any poles or wires or maintain any poles or wires over any public place, street, alley or other public way, without having first secured a permit from the city clerk in the manner specified in this chapter.
(Code 1984, § 22-101(9))

Sec. 62-10. Openings.

(a) It shall be unlawful for any person to construct or maintain any opening or stairway in any public street, sidewalk or alley without first obtaining a permit from the city clerk in the manner specified in this chapter.

(b) All such lawfully maintained openings shall be guarded by a suitable strong cover or railing approved by the street superintendent.
(Code 1984, § 22-101(10))

Sec. 62-11. Reserved.

Editors Note: An ordinance adopted Dec. 11, 2007, repealed § 62-11 in its entirety which pertained to trees and shrubs and

derived from Code 1984, § 22-101(11).

Sec. 62-12. Burning of leaves and rubbish.

It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys of the city.
(Code 1984, § 22-101(12))

Sec. 62-13. Street construction and improvements.

(a) *Permit required.* It shall be unlawful for any person to construct or lay any pavement for or on any public street, sidewalk, curb, alley or other public way, or to repair them, without having first obtained a permit from the city clerk in the manner specified in this chapter.

(b) *Specifications.*

(1) *Generally.* All streets and sidewalk pavements and all curbing shall be laid in conformity with the specifications established or approved from time to time by the mayor and council.

(2) *Curb ramping.* The standard for construction of curbs on each side of any city street, or any connecting street or road for which curbs have been prescribed, shall be not less than one ramp per lineal block giving on the crosswalks at intersections. Such ramps shall be at least 40 inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons.

(3) *Barricades.* Any person laying or repairing any pavement on a street, sidewalk or other public place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work, which barricades shall be protected by a light at nighttime.
(Code 1984, § 22-102)

Secs. 62-14--62-35. Reserved.

ARTICLE II.

PERMIT PROCEDURE

Sec. 62-36. Application.

Every person required to procure a permit under the provisions of this chapter or any ordinance or law of the city relating to the subject matter of this chapter shall submit a written application for such permit to the city clerk. The written application shall state the following:

(1) The name and address of the applicant.

(2) The purpose for which the application is submitted.

(3) The nature and location of any work proposed to be done and the name of the person or firm who

is to do such work.

(4) The estimated cost of the proposed work.

(5) The date of commencement and date of completion of the proposed work, and other date or plans as may reasonably be required by the city clerk or the director of public works.

(Code 1984, § 22-105(1))

Sec. 62-37. Permit fee.

Unless otherwise provided, each application for a permit under this chapter shall be accompanied by a permit fee as set forth in the schedule of fees and charges. The city clerk shall issue a receipt to the applicant for the amount of the fee tendered with the application for a permit; provided, that the receipt shall not be construed as approval of the application.

(Code 1984, § 22-105(2))

Sec. 62-38. Review of application.

Upon receipt of the application for a permit under the provisions of this chapter, the city clerk shall forward the application to the city manager, who shall approve or disapprove the application within seven days after receipt thereof. After indicating approval or disapproval on the application, the city manager shall return it to the city clerk.

(Code 1984, § 22-105(3))

Sec. 62-39. Issuance.

Upon receipt of an approved application under this chapter from the city manager, the city clerk shall issue a permit to the applicant therefor, which permit shall state the nature of the work to be done or activity to be carried out and bear the date of issuance and the signature of the city clerk.

(Code 1984, § 22-105(4))

Sec. 62-40. Display.

It shall be the duty of any permittee under this chapter to keep the permit issued to him in a conspicuous place at the site of the work or activity to be engaged in. It shall be unlawful for any person to exhibit the permit at or about any location not covered thereby, or to misrepresent the number of the permit or the date of expiration of the permit.

(Code 1984, § 22-105(5))

Sec. 62-41. Limitation on issuance.

Notwithstanding any other provision of this article, no permit shall be issued to any applicant therefor who has failed to satisfy any bonding requirements imposed upon persons engaged in the kind of work or activity proposed to be done or carried out by the applicant.

(Code 1984, § 22-105(6))

Secs. 62-42--62-60. Reserved.

ARTICLE III.

EXCAVATIONS

Sec. 62-61. Policy.

The city's policy on excavations shall be in accordance with A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials. In addition, the state department of transportation's standard specifications for construction of roads and bridges shall apply.

Sec. 62-62. Permit required.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street, or to make or cause to be made any excavation in or under the surface of any street for any purpose, or to place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit from the city clerk in the manner specified in this article.
(Code 1984, § 22-103(1))

Sec. 62-63. Permit fee.

The excavation permit fee to be collected by the city clerk shall be as set forth in the schedule of fees and charges and shall vary with the type of surface to be opened, dug or excavated under the permit issued.
(Code 1984, § 22-103(2))

Sec. 62-64. Surety bond.

Each applicant for an excavation permit may be required to file a surety bond with the city clerk in an amount specified by the city manager. The required surety bond must be:

(1) With good and sufficient surety approved by the city council.

(2) Satisfactory to the city attorney in form and substance.

(3) Conditioned upon the permittee's agreement to secure and hold harmless the city and its officers against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the city, the city council, or any city officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned on the permittee's agreement to fill up, restore and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the director of public works, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work has been done, usual wear and tear excepted, as it was in before the work has been

done. Any settlement of the surface within the two-year period shall be deemed conclusive evidence of defective backfilling by the permittee, except that nothing contained in this section shall be construed to require the permittee to maintain any repairs to pavement made by the city if the repairs should prove defective. Recovery on the bond for any injury or accident shall not exhaust the bond, but it shall in its own entirety cover any or all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the city by reason of the negligence or default of the permittee, upon the city's giving written notice to the permittee of such suit or claim, any final judgment against the city requiring it to pay for the damage shall be conclusive upon the permittee and its surety.

(Code 1984, § 22-103(3))

Sec. 62-65. Routing of traffic.

Routing of traffic shall be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways published by the U.S. Department of Transportation, Federal Highway Administration approved by the federal highway administration as the national standard for all highways open to public travel.
(Code 1984, § 22-103(4))

Sec. 62-66. Interference with utilities.

The permittee under this article shall not interfere with any existing utility without the written consent of the director of public works and the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the city shall be moved to accommodate the permittee unless the cost of the work is borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across the work. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them, and the expense of the repairs shall be charged to the permittee, and the bond of same shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit, or other utility, and its bond shall be liable therefor. The permittee shall inform itself as to the existence and location of all underground utilities and protect them against damage.
(Code 1984, § 22-103(7))

Sec. 62-67. Protection of adjoining property.

The permittee under this article shall at all times, and at its own expense, preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain permission from the owner of the private property for such purpose. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property of highways resulting from its failure properly to protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, the sod

shall be carefully cut and rolled and replaced after ditches have been backfilled. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as near as possible to that which existed before such work began. The permittee shall not remove even temporarily any trees or shrubs which exist in parking strip areas or easements across private property without first having notified and obtained the consent of the property owner, or in the case of public property, the street superintendent.
(Code 1984, § 22-103(8))

Sec. 62-68. Damage to existing improvements.

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of any applicable code provision or ordinance. If upon being ordered, the permittee fails to furnish the necessary labor and materials for the repairs, the street superintendent shall have the authority to cause the necessary labor and materials to be furnished by the city and the cost shall be charged against the permittee, and the permittee shall also be liable on its bond therefor.
(Code 1984, § 22-103(13))

Sec. 62-69. Cleanup.

As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the street superintendent. From time to time, as may be ordered by the street superintendent, and in any event immediately after completion of the work, the permittee shall at its own expense clean up and remove all refuse and unused materials of any kind resulting from the work, and upon failure to do so within 24 hours after having been notified to do so by the street superintendent, the work may be done by the city and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided for under this article.
(Code 1984, § 22-103(14))

Sec. 62-70. Restoration of surface.

(a) The permittee under this article shall restore the surface of all streets broken into or damaged as a result of the excavation work to its original condition in accordance with the specifications of the street superintendent. The permittee may be required to place a temporary surface over openings made in paved traffic lanes and shall be required to exercise special care in making and maintaining such temporary restorations to assure safe traveling conditions until such time as permanent restorations are made.

(b) Permanent restoration of streets shall be made by the permittee in strict accordance with the specifications prescribed by the street superintendent.

(c) Acceptance or approval of any excavation work by the street superintendent shall not prevent the city from asserting a claim against the permittee and its incomplete or defective work if the defects are discovered within 24 months from the completion of the excavation work.
(Code 1984, § 22-103(16))

Sec. 62-71. City's right to restore surface.

(a) If the permittee under this article fails to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by the permit, or shall otherwise fail to complete the excavation work covered by the permit, the street superintendent, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and 25 percent of such cost, in addition, for general overhead and administrative expenses.

(b) It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for two years after restoring it to its original condition.
(Code 1984, § 22-103(17))

Sec. 62-72. Prompt completion of work.

The permittee under this article shall prosecute with diligence and expediency all excavation work covered by the excavation permit and shall promptly complete the work and restore the street to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the excavation permit.
(Code 1984, § 22-103(18))

Sec. 62-73. Emergency work.

In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of the property, life, health and safety of individuals. However, the person owning or controlling the facility shall apply for an excavation permit not later than the end of the next succeeding day during which the city clerk's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit as provided in this article.
(Code 1984, § 22-103(19))

Sec. 62-74. Inspections.

The city shall make such inspections as are reasonably necessary in the enforcement of the provisions of this article, and shall have the authority to promulgate and cause to be enforced such rules and regulations as may be required to enforce and carry out the intent of this article.
(Code 1984, § 22-103(21))

Sec. 62-75. Drawings, plans.

Users of subsurface street space shall maintain accurate drawings, plans and profiles showing the location and character of all underground structures including abandoned installations, and shall provide the city with a copy of them. Corrected maps shall be filed with such officer within 60 days after new installations,

changes or replacements are made.
(Code 1984, § 22-103(22))

Sec. 62-76. Exemption.

The provisions of this article shall not be applicable to any excavation work carried out under the direction of competent city authorities by employees of the city.
(Code 1984, § 22-103(23))

Secs. 62-77--62-95. Reserved.

ARTICLE IV.

DRIVEWAYS AND CURBS

Sec. 62-96. Permit required.

No person shall begin to construct, reconstruct, repair, alter, or grade any driveway, curb or curb cut on the public streets without first obtaining a permit from the city clerk in the manner specified in this article.
(Code 1984, § 22-104(1))

Sec. 62-97. Permit fee.

The permit fee shall be as set forth in the schedule of fees and charges for driveway, curb or curb cut to be altered.
(Code 1984, § 22-104(2))

Sec. 62-98. Bond.

The city manager shall have the authority to require an applicant for a permit under this article to file a bond in an amount as set forth in the schedule of fees and charges with his application conditioned to protect and save harmless the city from all claims for damages or injury to any persons by reason of the proposed alteration work.
(Code 1984, § 22-104(3))

Sec. 62-99. Standards for issuance of permit.

The city clerk shall issue a permit under this article when he finds that:

(1) The plans for the proposed operation have been approved by the city manager, to whom the plans shall be forwarded by the city clerk within a reasonable time after receipt thereof.

(2) The work shall be done according to the standard specifications of the city for public work of like character.

(3) The operation will not unreasonably interfere with vehicular and pedestrian traffic and the means

of ingress to and egress from the affected and adjacent properties.

(4) The health, welfare and safety of the public will not be unreasonably impaired.
(Code 1984, § 22-104(4))

Sec. 62-100. Approval of work.

All work for which a permit is granted under this article shall be approved by the city.
(Code 1984, § 22-104(5))

Secs. 62-101--62-120. Reserved.

ARTICLE V.

PARADES*

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* **State Law References:** Preventing or disrupting lawful procession, O.C.G.A. § 16-11-34; funeral processions, O.C.G.A. § 40-6-76.

Sec. 62-121. 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:

Parade means any march, ceremony, demonstration, exhibition or procession of any kind upon any public street of the city.
(Code 1984, § 32-215(2))

Cross References: Definitions generally, § 1-2.

Sec. 62-122. Registration and permit required.

Any person who wishes to organize, form, or conduct a parade shall be required to register such parade with the chief of police at least 24 hours in advance of the event and to obtain a permit therefor.
(Code 1984, § 32-215(1))

Sec. 62-123. Application; required information.

Application for a permit to conduct a parade shall be made to the chief of police in writing, shall be signed by the person responsible for the conduct of the parade, and shall contain the following information:

(1) The time proposed for the parade.

(2) The route of the proposed parade.

(3) The number of vehicles, if any, and number of persons whose participation is anticipated in the proposed parade.

(4) The name and address of the person or organization sponsoring or promoting the proposed parade.

(5) The name and address of the person making the application for a parade permit.

(Code 1984, § 32-215(3))

Sec. 62-124. Review of application.

The chief of police shall forward the application under this article to the mayor, who shall review the information set forth in the application and ascertain the following: the extent of vehicular and pedestrian traffic to be anticipated at the time and place of and on the route of the proposed parade; the availability of police forces to escort the proposed parade; and whether or not, in the light of all the circumstances, the proposed parade will unreasonably burden or interfere with the normal use of the streets or sidewalks of the city by the general public.

(Code 1984, § 32-215(4))

Sec. 62-125. Approval or denial of permit.

If the mayor determines in view of all the circumstances that the proposed parade will unreasonably burden and interfere with the normal use of the streets or sidewalks of the city by the general public, he shall deny the request for a parade permit; and if he determines on the contrary that the proposed parade will not unreasonably burden or interfere with the normal use of the streets or sidewalks of the city by the general public, he shall grant the parade permit. In either case the mayor shall indicate his disposition on the application and shall notify the applicant of the action taken.

(Code 1984, § 32-215(5))

Sec. 62-126. Exemption.

The provisions of this article shall be inapplicable to any parade which is conducted under the supervision of a practicing mortician in conjunction with any funeral.

(Code 1984, § 32-215(6))

ARTICLE VI.

SIDEWALK CAFES

Sec. 62-127. Purpose.

This chapter shall apply to the establishment, operation, and maintenance of all outdoor cafes within the City of Royston on public sidewalk. The purpose of this chapter is to promote the general economic development and atmosphere of City of Royston for the benefit of businesses and citizens located there, and no right of individuals or individual businesses are created therein, and to create an aesthetic ambiance which will attract tourists to the Royston area. Further, this chapter is designed to maintain the efficiency of the pedestrian path.

(Ord. of 9-9-2008, § 1)

Sec. 62-128. Definitions.

City clerk. The term city clerk shall mean the office manager of the City Hall of Royston.

Manager. The term "manager" shall mean the city manager of the City of Royston, or his/her designee.

Permittee. The term "permittee" shall mean the recipient of a sidewalk cafe permit under the terms and provisions of this chapter.

Sidewalk cafe. The term "sidewalk cafe" shall mean the location and use of tables and chairs on the public sidewalk and operated as an extension of a licensed food or beverage establishment in the City of Royston and which sidewalk cafe shall be an incidental activity of the establishment.
(Ord. of 9-9-2008, § 1)

Sec. 62-129. Permit.

It shall be unlawful for any person to operate a sidewalk cafe in the City of Royston without a permit issued by the city clerk, or to fail to comply with all sections of the sidewalk cafe ordinance. Such permit shall be renewed annually at a time to be designated by the city clerk. The issuance of a sidewalk cafe permit shall not be construed or interpreted to convey any property rights or any leaseholder rights to any person or business. The provisions of this chapter are subject to change and amendment by the mayor and council from time to time. Sidewalk cafe permits are non-transferable. Permits will expire upon transfer of ownership, change in use of facility, and December 31 of each year. The issuance of a sidewalk permit does not constitute approval for alcohol to be sold outside of the licensed business. Alcohol sales are regulated in chapter 6, Alcoholic Beverages of the Code of Ordinances of the City of Royston, Georgia. Any conflict between this article and another will be resolved in the most conservative or restrictive interpretation that will give the greatest advantage to the City of Royston.
(Ord. of 9-9-2008, § 1)

Sec. 62-130. Application.

Any person desiring to operate a sidewalk cafe shall submit an application to the city clerk on a form prescribed by the city clerk. The application shall include, but not be limited to, the following:

(1) Name of applicant;

(2) Name, address, and telephone number of restaurant;

(3) A copy of a valid City of Royston occupational tax certificate to operate a business in front of which the sidewalk cafe will be located;

(4) A copy of a current certificate of insurance in the amounts and categories required by section 62-134, Liability and insurance;

(5) A sketch identifying the perimeter area, the dimensions of area, the dimensions from perimeter to

curb or nearest obstacle i.e. lamppost/trash receptacle/tree etc.
(Ord. of 9-9-2008, § 1)

Sec. 62-131. Issuance of permit.

Applicant shall be notified within two weeks of application submission of approval/denial of permit. If permit is denied, applicant shall be provided an explanation of the denial.
(Ord. of 9-9-2008, § 1)

Sec. 62-132. Permit fee.

The annual permit fee to operate a sidewalk cafe in an approved/permitted area shall be in such amount as determined from time to time by resolution of the mayor and city council.

Prior to issuance or renewal of a sidewalk cafe permit, the government's chief financial officer shall verify that there are no outstanding business taxes or fees owed to the government by the person or entities requesting a sidewalk cafe permit. A sidewalk cafe permit will not be issued until all outstanding debts to the City of Royston are paid in full.
(Ord. of 9-9-2008, § 1)

Sec. 62-133. Regulations generally.

A sidewalk cafe operating in the City of Royston shall comply with the following regulations:

(1) *Limitations on area.* The area in which a sidewalk cafe is operated shall abut the outside front wall of the restaurant of which it is an extension and shall not extend parallel in either direction beyond the outside front wall of the restaurant. The area permitted for a sidewalk cafe shall not extend more than nine feet perpendicular from the outside wall of the restaurant; however, a minimum of four feet shall be provided at all times for continuous unobstructed pedestrian traffic on the sidewalk between the sidewalk cafe area and the curb or nearest obstacle. Tables and chairs shall not extend beyond such limits. A minimum of two feet of unobstructed space shall be maintained at all times around any permanent public fixture within or adjacent to the designated area. Each table may be equipped with an umbrella that, when open, shall extend to at least the same diameter as the table it serves and shall be anchored with a weighted base. Any umbrella protruding into public space shall be positioned at a minimum height of seven feet. An umbrella may display the name or logo of the restaurant operating the sidewalk cafe and/or advertise a product in compliance with the exceptions; see Alcohol Ordinance [ch. 6]. Each umbrella shall be maintained in good, clean, and operable condition.

(2) *Divider required.* The area permitted for a sidewalk cafe shall be separated from the remaining sidewalk area by a system of connected railing and post that would serve to contain crowds and maintain the boundaries of the cafe. The system shall be designed and constructed such that it resists movement and can be disassembled and removed if necessary. The design must be included in the application and must be approved by the manager prior to issuance of a permit. Such divider shall not be less than three feet nor more than four feet in height. All tables and chairs shall be located totally within the limits of the divider. It shall be the responsibility of the

permittee to maintain the divider in its exact/approved location at all times.

(3) *Sanitation.* It shall be the responsibility and duty of the restaurant to which the sidewalk cafe permit is issued to maintain the area covered by the permit in a clean, neat, and orderly manner at all times. The area shall be cleared of all debris at all times. It shall also be the responsibility of the permit holder to pressure wash the sidewalk surface on which the sidewalk cafe is located no less often than once every three months. Permittee shall sweep the sidewalk and collect the debris prior to pressure washing and shall maintain records of date sidewalk was pressure washed and by whom, and such records shall be open to inspection by the City of Royston. Pressure washing by permittee shall be conducted using water only. The use of cleaning agents is prohibited. All tables and chairs are to be kept clean, sanitary, safe, and in structurally sound condition at all times.

(4) *Removal of furnishings.* All tables, chairs, and dividers of a sidewalk cafe shall be removed from the public sidewalk area as notified by the city for maintenance.

(5) *Suspension or modification of operation.* The manager shall have the authority to require any sidewalk cafe operating in an area created by this section to suspend operation and clear such area, or to move or modify the location or operation of the sidewalk cafe, for things such as, but not limited to:

a. Any permitted special event;

b. Any street, sidewalk, or utility construction;

c. Any emergency situations; or

d. The protection of the health, safety, and welfare of the public.

(Ord. of 9-9-2008, § 1)

Sec. 62-134. Liability and insurance.

(a) Except for actions arising out of City of Royston's sole negligence, the permittee agrees to indemnify, defend, save, and hold harmless the City of Royston, its officers and employees, from any and all claims, liability, damages, and causes of action which may arise out of the permit or the permittee's activity on the premises.

(b) The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:

(1) Commercial general liability in the amount of $1,000,000.00 per occurrence for bodily injury and property damage. The City of Royston must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.

(2) The City of Royston must receive 30 days written notice prior to any cancellation, nonrenewal,

or material change in the coverage provided.

(3) The permittee must provide an original certificate of insurance as evidence that the above requirements have been met prior to issuance of a permit.

(Ord. of 9-9-2008, § 1)

Sec. 62-135. Revocation or suspension of permit.

The approval of a sidewalk cafe permit is conditional at all times. A sidewalk cafe permit may be revoked or suspended by the City of Royston manager or his/her designee; upon one or more of the following occurrences.

(1) Any necessary business or health permit has been suspended, revoked, or cancelled.

(2) The permittee does not have insurance which is correct and effective in the minimum amounts described in section liability insurance.

(3) The permittee has failed to correct violations of this chapter or any other ordinance within 48 hours of receipt of the manager's notice of same delivered in writing to the permittee.

(4) The permittee has a history of violations of this chapter of three or more within a two-year period, or immediately upon any violation depending upon severity of the violation.

(5) Permits may be suspended for a period up to 12 months depending upon history and severity of violations.

(Ord. of 9-9-2008, § 1)

Sec. 62-136. Fines for violators.

The following minimum fines shall be set for violations of this chapter:

(1) First citation: $100.00 fine.

(2) Second citation (within one-year period): $250.00 fine.

(3) Third citation (within one-year period): $500.00 fine.

(Ord. of 9-9-2008, § 1)

Sec. 62-137. Americans with Disabilities Act.

Any person or entity receiving a permit hereunder agrees to fully comply with all requirements of the Americans with Disabilities Act as currently existing or as may be hereafter amended.

(Ord. of 9-9-2008, § 1)

Sec. 62-138. Severability of part of Code.

It is hereby declared to be the intention of the mayor and council that the sections, paragraphs, sentences, clauses, and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph, or section of this chapter shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this chapter, since the same would have been enacted by the mayor and council without the incorporation in this chapter of any such invalid phrase, clause, sentence, paragraph, or section.
(Ord. of 9-9-2008, § 1)

Secs. 62-139--62-150. Reserved.

ARTICLE VII.

TREES

Sec. 62-151. Definitions.

Street trees. Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Park trees. Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.
(Ord. of 12-11-2007, § 1)

Sec. 62-152. Creation and establishment of a city tree board.

There is hereby created and established a city tree board for the city of which shall consist of three members, two citizens and residents of this city and the manager of the street department. These members shall be appointed by the mayor with the approval of the council. The members shall come from different interest groups such as residents, business owners, and/or tree professionals.
(Ord. of 12-11-2007, § 1)

Sec. 62-153. Term of office.

The term of the two appointed members shall be two years except that the first term where one of the members appointed to the first board shall be for only one year and the term of the other member of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.
(Ord. of 12-11-2007, § 1)

Sec. 62-154. Compensation.

Members of board shall serve without compensation.
(Ord. of 12-11-2007, § 1)

Sec. 62-155. Duties and responsibilities.

It shall be the responsibility of the board to study, investigate, counsel, develop and administer a plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan.

The board, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.
(Ord. of 12-11-2007, § 1)

Sec. 62-156. Operation.

The board shall make its own rules and regulations, and keep a journal of its proceedings. The manager of the street department will serve as chair. A majority of the members shall be a quorum for the transaction of business.
(Ord. of 12-11-2007, § 1)

Sec. 62-157. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with this article, and no trees may be planted closer to any curb or sidewalk than three feet.
(Ord. of 12-11-2007, § 1)

Sec. 62-158. Distance from street corners and fireplugs.

No street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within ten feet of any fireplug.
(Ord. of 12-11-2007, § 1)

Sec. 62-159. Utilities.

No street trees without specific written permission by the tree board may be planted under, or within ten feet of any overhead utility wire.
(Ord. of 12-11-2007, § 1)

Sec. 62-160. Public tree care.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city tree board may remove, cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and

location of said trees is in accordance with sections 62-157 through 62-159 of this article.
(Ord. of 12-11-2007, § 1)

Sec. 62-161. Pruning and corner clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 13 feet above street surface or eight feet above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.
(Ord. of 12-11-2007, § 1)

Sec. 62-162. Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and/or property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.
(Ord. of 12-11-2007, § 1)

Sec. 62-163. Posting advertisements.

It shall be unlawful for any person to attach any sign, advertisement, or notice to any tree or shrub in any public place.
(Ord. of 12-11-2007, § 1)

Sec. 62-164. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
(Ord. of 12-11-2007, § 1)

Sec. 62-165. Interference with city tree board.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized by this article.
(Ord. of 12-11-2007, § 1)

Sec. 62-166. Arborists license and bond.

It shall be unlawful for any person or firm to engage in pruning, treating, or removing park trees within the city. This does not apply to utilities and their agents or contractors or city employees doing such work in the pursuit of their public service endeavors.
(Ord. of 12-11-2007, § 1)

Sec. 62-167. Review by city council.

The city council shall have the right to review the conduct, acts, and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make final decisions.
(Ord. of 12-11-2007, § 1)

Sec. 62-168. Penalty.

Any person convicted of violating any provision of this chapter shall be punished as provided for in section 1-12.
(Ord. of 12-11-2007, § 1)

Chapters 63--65

RESERVED

Chapter 66

TAXATION*

* **Charter References:** Finance, art. VI.

Cross References: Alcoholic beverages, ch. 6; buildings and building regulations, ch. 18; businesses, ch. 22; occupation tax, § 22-31 et seq.; vehicles for hire, ch. 78.

State Law References: Taxation power of municipal and county governments, Ga. Const. art. 9, sec. 4, par. 1; limitation on taxing power of municipalities and counties, Ga. Const. art. 9, sec. 2, par. 8; ad valorem taxation of property, O.C.G.A. § 48-5-1 et seq.; municipal taxation, O.C.G.A. § 48-5-350 et seq.; ad valorem taxation of motor vehicles, O.C.G.A. § 48-5-440 et seq.; freeport exemption, O.C.G.A. § 48-5-48.2.

Article I. In General

Article II. Alcoholic Beverage Excise Taxes

Article III. Financial Institutions Business License Tax

Article IV. Hotel-Motel Excise Tax

Article V. Insurers

ARTICLE I.

IN GENERAL

Sec. 66-1. Sums due to city; payable by credit card.

(a) All sums due the city including but not limited to, ad valorem taxes, occupation taxes, fines, forfeitures, penalties, license fees, permit fees and registration fees, may be paid by the use of credit cards. The city finance director, with the approval of the city manager shall establish the procedures for acceptance of credit card payments for amounts due the city. The city manager is authorized to enter into agreements with credit card issuers to facilitate the acceptance of credit card payments by the city.

(b) A credit card agreement may provide for the acceptance of the credit card payments from the credit card company at a discount from the face amount of the payment or for the withholding of administrative fees from the face amount of the payment. Such discounted fee is granted in exchange for the improved governmental cash flow, reduction of administrative expenses and increased public convenience as a result of credit card payments.

(c) A surcharge equal to the administrative fees charged by the credit card issuer to the city shall be imposed upon any person making a payment of credit card, when such surcharges are permitted by the operating rules and regulations of the credit card issuer.

(d) Any agreement with a credit card issuer for the acceptance of payments via credit card shall contain a provision that the agreement may be canceled at any time by the city.

(e) No person making payment by credit card to the city is relieved from liability for the underlying obligation, except to the extent that the city actually receives final payment of the obligation in cash or its equivalent. If final payment is not made by the credit card issuer or other guarantor of payment in the credit card transaction, the underlying obligation for the money due is not extinguished. All applicable penalties, interest and collection fees on the unpaid amount shall be due from the person making the payment by credit card.

(f) Such penalties, interest and fees on an unpaid amount shall accrue from the date the unpaid obligation was first due under the applicable statute or ordinance. The city shall follow the collection procedures for the unpaid amount that would have otherwise been applicable had the credit card payment not been attempted.
(Ord. of 8-13-96, § 1(101--105))

Secs. 66-2--66-25. Reserved.

ARTICLE II.

ALCOHOLIC BEVERAGE EXCISE TAXES*

* **Cross References:** Alcoholic beverages, ch. 6.
State Law References: Imposition of excise tax on malt beverages, O.C.G.A. § 3-5-80; authorization to levy tax on wine, O.C.G.A. § 3-6-60.

Sec. 66-26. Malt beverages; rate of taxation.

In addition to the annual license fees imposed and required by chapter 22 of this Code, there is hereby levied and imposed upon each wholesale dealer selling malt beverages within the city an excise tax on such malt beverages so sold, as follows:

(1) Except as provided in section 66-27 the excise tax shall be computed at the rate of 0.4166 cents per ounce.

(2) All malt beverages sold in or from a barrel or bulk container and being commonly known as tap or draft beer shall not be subject to the excise tax provided for in subsection (1), but in lieu thereof, there is hereby imposed upon each wholesale dealer selling such malt beverages within the city an excise tax of $6.00 for each barrel or bulk container having a capacity of 15 1/2 gallons sold by such wholesale dealer within the city and at a like rate for fractional parts thereof.

(Code 1984, § 4-102(1))

Sec. 66-27. Wine; rate of taxation.

In addition to the annual license fees imposed and required by chapter 22 of this Code there is hereby levied an excise tax computed at the rate of $0.22 per wine liter which shall be paid to the city on all wine sold, displayed or stored in the city. The $0.22 per wine liter shall be prorated on miniatures, half pints, pints, fifths, half gallons, and other quantities and on wine gallons so that each bottle shall be taxed on the basis of $0.22 per wine liter.
(Code 1984, § 4-102(2))

Sec. 66-28. Method of payment.

The tax shall be paid to the city by each wholesale dealer on all malt beverages and wine sold within the city as follows: Each wholesale dealer selling, shipping or in any way delivering malt beverages or wine to a

retailer in the city shall collect the excise tax at the time of delivery, and shall remit the same together with a summary of all such deliveries on or before the tenth day of the month next succeeding the calendar month in which such sales were made.
(Code 1984, § 4-102(3))

Sec. 66-29. Payment of tax; report.

The summary report made by each wholesale dealer to the city shall show the exact quantities of malt beverages, by size and type of container and the amount of excise tax collected.
(Code 1984, § 4-102(4))

Sec. 66-30. Right of audit.

The city shall have the right to audit, and to require production of records from each wholesaler supplying retailers in the city and each retailer so supplied.
(Code 1984, § 4-102(5))

Sec. 66-31. Failure to make timely report; penalty.

(a) The failure to make a timely report and remittance under this article shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount during the first 30-day period following the date such report and remittance were due and a further penalty of five percent of the amount of such remittance for each successive 30-day period or any portion thereof, during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to 25 percent of the amount of the remittance which would be required under an accurate and truthful report.

(b) Such failure to make a timely report or remittance, or the filing of a false or fraudulent report shall also constitute grounds for the revocation of the business license issued by the city to the wholesale dealer.
(Code 1984, § 4-102(6))

Sec. 66-32. Sale prohibited when tax not paid.

It shall be unlawful for any person to sell at retail or otherwise within the city any malt beverage or wine on which the tax required in this article has not been paid to the wholesaler or distributor or the city.
(Code 1984, § 4-102(7))

Secs. 66-33--66-55. Reserved.

ARTICLE III.

FINANCIAL INSTITUTIONS BUSINESS LICENSE TAX*

* **State Law References:** Authorization to levy and collect a business license tax from depository financial institutions, O.C.G.A. § 48-6-93.

Sec. 66-56. Levy.

Pursuant to O.C.G.A. § 48-6-93 there is hereby levied an annual business license tax upon state and national banking associations, federal savings and loan associations, state building and loan associations a business license tax at the rate of 0.25 percent of the gross receipts of the institutions as defined. Notwithstanding any other provision of this article, the minimum amount of business license tax due from any depository financial institutions pursuant to this article shall be $1,000.00 per year.
(Ord. of 12-13-83, § 1)

Sec. 66-57. Gross receipts defined.

For purposes of this article "gross receipts" shall mean the total amount of revenue generated from the sources itemized during the calendar year immediately preceding the date on which the tax imposed by this article is due.
(Ord. of 12-13-83, § 2)

Sec. 66-58. Calculation of gross receipts for banks.

Items to be included in the calculation of gross receipts with respect to banks are as follows:

(1) Interest and fees on loans, less any interest collected on those portions of loans sold and serviced for others.

(2) Interest on balances with other depository financial institutions.

(3) Interest on federal or correspondent funds sold and securities purchased under agreements of resale.

(4) Interest on other bonds, notes and debentures, excluding interest on obligations in the state or its political subdivisions and obligations on the United States.

(5) Dividends on stocks.

(6) Income from direct lease financing.

(7) Income from fiduciary activities.

(8) Service charges on deposit accounts.

(9) Other service charges, commissions and fees.

(10) Other income.
(Ord. of 12-13-83, § 2(A))

Sec. 66-59. Calculation of gross receipts for savings and loan associations.

Items to be included in the calculation of gross receipts with respect to savings and loan associations are as follows:

(1) Interest on mortgage loans less any interest collected on those portions of loans sold in service for others.

(2) Interest on mortgages, participations or mortgage-backed securities.

(3) Interest on real estate sold on contract.

(4) Discounts on mortgage loans purchased.

(5) Interest on other loans, excluding interest on obligations of the state or its political subdivisions and obligations of the United States.

(6) Interest and dividends on investments and deposits.

(7) Loan fees.

(8) Loan servicing fees.

(9) Other fees and charges.

(10) Gross income from real estate owned operations.

(11) Net income from office building operations.

(12) Gross income from real estate held for investment.

(13) Net income from service corporations and subsidiaries.

(14) Miscellaneous operating income.

(15) Profit on sale of real estate owned, investment securities, loans and other assets.

(16) Miscellaneous nonoperating income.

(Ord. of 12-13-83, § 2(B))

Sec. 66-60. Allowable deductions.

The following items shall be deducted from gross receipts calculated pursuant to section 66-58 or 66-59:

(1) An amount equal to the amount of interest paid on all liabilities for the period.

(2) An amount equal to income derived from the authorized activities of any domestic international banking facility operating pursuant to O.C.G.A. § 7-1-730 et seq.

(3) An amount equal to any income arising from the conduct of a banking business with persons or entities located outside of the United States, its territories or possessions.

(4) An amount equal to a depository financial institution's gross income which is taxed under the tax laws of a state other than Georgia.

(5) To the extent that any deductions are made pursuant to subsections (2), (3), and (4) of this section, any deductions taken under subsection (1) of this section shall be reduced by the same proportion that the deductions in subsections (2) through (4) of this section bear to the gross receipts of the depository financial institution as calculated before making any deductions pursuant to subsections (1) through (4) above.

(Ord. of 12-13-83, § 2(C))

Sec. 66-61. Due date; filing of return.

(a) Each depository financial institution within the city shall file a return of its gross receipts with the city on March 1 of the year following the year in which such gross receipts were measured. The returns shall be in the manner and in the form prescribed by the commissioner of the department of banking and shall be based upon the allocation method set forth in O.C.G.A. § 48-6-93(d). The tax levied pursuant to this article shall be assessed and collected based upon the information provided in the return.

(b) The due date of taxes levied by this article shall be April 1 of each year.

(Ord. of 12-13-83, § 3)

Secs. 66-62--66-80. Reserved.

ARTICLE IV. HOTEL-

MOTEL EXCISE TAX*

* **State Law References:** Tourist courts, O.C.G.A. § 31-28-1 et seq.; county and municipal excise taxes on rooms, lodgings and accommodations, O.C.G.A. § 48-13-50 et seq.

Sec. 66-81. 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:

Due date means from the twentieth day after the close of the monthly period for which tax is to be computed.

Guestroom means a room occupied, or intended, arranged or designed for occupancy by one or more occupants for the purpose of living quarters or residential use.

Hotel means any structure or any portion of a structure, including any lodginghouse, roominghouse,

dormitory, turkish bath, bachelor hotel, studio, hotel, motel, motor hotel, auto court, inn, public club, or private club, containing guestrooms and which is occupied, or is intended or designed for occupancy, by guests, whether rent is paid in money, goods, labor, or otherwise. Such term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention center, or other buildings in which human beings are housed and detained under legal restraint.

Occupancy means the use or possession, or the right to the use or possession of any room or apartment in a hotel, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

Occupant means any person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license or use or other agreement, or otherwise.

Operator means any person operating a hotel in this city including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, lender in possession, licensee, or any other person otherwise operating the hotel.

Permanent resident means any occupant as of a given date who has or shall have occupied or has or shall have the right of occupancy of any guestroom in a hotel for at least ten consecutive days.

Person means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States of America, the state, and any political subdivision of either thereof upon which the city is without power to impose the tax provided in this article.

Rent means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

Return means any return filed or required to be filed as provided in this article.
(Code 1984, § 4-106(1))

Cross References: Definitions generally, § 1-2.

Sec. 66-82. Penalty.

Any operator or other person who fails to register as required in this article, or who fails to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the city clerk, or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction therefor shall be punished as provided in section 1-12.
(Code 1984, § 4-106(14))

Sec. 66-83. Rate of levy.

There is hereby set and levied on each occupant of a guestroom of any hotel located within the corporate

limits of this city a tax in the amount of three percent of the rent for such occupancy. The tax imposed shall be paid upon any occupancy occurring on or after the adoption date of the ordinance from which this section derives, although such occupancy is had pursuant to a contract, lease or other agreement entered into prior to such date.
(Code 1984, § 4-106(2))

Sec. 66-84. Collection of tax by operator.

It shall be the duty of every operator of a hotel located within the city to collect the tax on occupants imposed in this article.
(Code 1984, § 4-106(3))

Sec. 66-85. Exemption.

Notwithstanding any other provision of this article, no tax shall be imposed under this article upon a permanent resident.
(Code 1984, § 4-106(4))

Sec. 66-86. Registration of operator.

(a) Every person engaging in or about to engage in business as an operator of a hotel in this city shall immediately register the business with the city clerk, on a form provided by the clerk for such purpose. Persons engaged in such business must so register not later than 30 days after the date of adoption of the ordinance from which this section derives; but such grace period for registration after the effective date of the tax shall not relieve any person from the obligation of payment or collection of such tax on and after the date of imposition thereof. The required registration shall set forth the name under which the operator transacts business or intends to transact business, the location of his place or places of business, and such other information as would facilitate the collection of the tax by the city clerk. The registration shall be signed by the owner if a natural person; by a member or partner in case of ownership by an association or partnership; by an officer in the case of ownership by a corporation.

(b) A separate registration shall be required for each place of business of an operator.
(Code 1984, § 4-106(5))

Sec. 66-87. Certificate of taxing authority.

Upon the registration of an operator as provided in section 66-86, the city clerk shall issue to such operator without charge a certificate of authority to collect the tax on occupants. Each certificate shall state the name and location of the business to which it relates.
(Code 1984, § 4-106(6))

Sec. 66-88. Due date, required report.

All taxes levied by this article shall be due and payable to the city clerk monthly on or before the 20th day of every month next succeeding each respective month in which such taxes are collected, and payment shall be accompanied by a return for the preceding monthly period showing the gross rent, rent from permanent

residents, taxable rent, amount of tax collected or otherwise due for the period, and such other information as may be required by the city clerk.
(Code 1984, § 4-106(7))

Sec. 66-89. Collection fee allowed operators.

Operators collecting the tax levied under this article shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and payment of the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the rate authorized for deductions from state tax under the Georgia Retailers' and Consumers' Sales and Use Tax Act, approved February 20, 1951 (1951 Ga. Laws, page 360), as now or hereafter amended.
(Code 1984, § 4-106(8))

Sec. 66-90. Determination if no return made.

If any hotel operator fails to file a return as required under the provisions of this article, the city clerk shall make an estimate of the amount of gross rentals of the operator which are subject to the tax. The estimate shall be made for the period in which the operator failed to file the return and shall be based upon any information which is or may come into the possession of the city clerk.

(1) *Notice of determination.* The city clerk or his designated representative shall give to the hotel operator written notice of his determination as provided in this section. The notice may be served personally or by mail; if by mail such service shall be addressed to the operator at his address as it appears in the records of the city clerk. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.

(2) *Interest on amount found due.* The amount of determination made under this section shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof, from the 20th day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.

(Code 1984, § 4-106(9))

Sec. 66-91. Required records.

Each hotel operator collecting a tax under the provisions of this article shall keep for a period of at least three years all records, receipts, invoices and other pertinent papers setting forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the city clerk may require.
(Code 1984, § 4-106(10))

Sec. 66-92. Administration and enforcement.

The city clerk shall administer and enforce the provisions of this article for the collection of the tax imposed in this article, and in so doing shall have the following powers:

(1) To examine, or authorize the examination of, the books, papers, records, financial reports, equipment and other facilities of any operator renting guestrooms to persons subject to the tax, in

order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(2) To require the filing of reports by any person having in his possession or custody information relating to rentals of guestrooms which are subject to the tax levied in this article.

(3) To allow a credit on any amount due and payable from persons who paid the tax levied in this article but who were erroneously or illegally subjected thereto.

(Code 1984, § 4-106(11))

Sec. 66-93. Action for collection of tax.

At any time within three years after any tax or any portion of such tax required to be collected under this article becomes due and payable, the city attorney may bring an action in a court of competent jurisdiction in the name of the city to collect such amount due together with interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

(Code 1984, § 4-106(12))

Sec. 66-94. Successors or assignees of operator.

If any hotel operator becomes liable for any amount required to be paid by this article and subsequent thereto sells out his business or quits the business, the successors or assignees of such operator shall withhold a sufficient amount of the purchase price to cover the amount due. If the purchaser of the business fails to withhold the required amount, he shall become personally liable therefor to the extent of the purchase price.

(Code 1984, § 4-106(13))

Secs. 66-95--66-115. Reserved.

ARTICLE V.

INSURERS*

* **State Law References:** County and municipal corporation tax on life insurance companies, O.C.G.A. § 33-8-8.1; county and municipal corporation tax on other than life insurance companies, O.C.G.A. § 33-8-8.2.

Sec. 66-116. Insurers license fees.

There is hereby levied for the year 1995 and for each year thereafter an annual license fee upon each insurer doing business within the city in an amount of $40.00. For each separate business location in excess of one not covered by section 66-117, which is operating on behalf of such insurers within the city, there is hereby levied a license fee in an amount of $40.00. For the purposes of this article, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. § 33-3-5.

(Ord. of 11-8-83, § 1; Ord. of 11-8-94(3), § 1; Ord. of 12-13-94, § 1)

Sec. 66-117. License fees for insurers insuring certain risks at additional business locations.

For each separate business location, not otherwise subject to a license fee under this article, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance, such insurer shall pay an additional license fee of $14.00 per location for the year 1995 and for each year thereafter.
(Ord. of 11-8-83, § 2; Ord. of 11-8-94(3), § 2; Ord. of 12-13-94, § 2)

Sec. 66-118. Insurance agency license fees; independent insurance agencies, brokers, etc., not otherwise licensed.

There is hereby levied for the year 1995 and for each year thereafter an annual license fee upon independent agencies and brokers for each separate business location from which an insurance business is conducted and which is not subject to the company license fee imposed by section 66-116 in an amount of $40.00 each such location within the city.
(Ord. of 11-8-83, § 3; Ord. of 11-8-94(3), § 3; Ord. of 12-13-94, § 3)

Sec. 66-119. Gross premiums tax imposed on life insurers.

There is hereby levied for the year 1995 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the state in an amount equal to one percent of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section 66-116.
(Ord. of 11-8-83, § 4; Ord. of 11-8-94(3), § 4; Ord. of 12-13-94, § 4)

Sec. 66-120. Gross premiums tax, all other insurers.

There is hereby levied for the year 1995 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in O.C.G.A. § 33-3-5(1), doing business within the state in an amount equal to 2.5 percent of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. § 33-8-8.2. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section 66-116.
(Ord. of 11-8-83, § 5; 11-8-94(3), § 5; Ord. of 12-13-94, § 5)

Sec. 66-121. Due date for license fees.

License fees imposed in sections 66-116 and 66-117 shall be due and payable on the first day of 1995 and on the first date of each subsequent year.
(Ord. of 11-8-83, § 6; Ord. of 11-8-94(3), § 6; Ord. of 12-13-94, § 6)

Secs. 66-122--66-140. Reserved.

ARTICLE VI.

PUBLIC UTILITY FRANCHISE TAXES

Sec. 66-141. Electric, gas and water companies.

(a) *Rate of levy.* There is hereby set and levied on each electric light and power company, gas company, water company and other public utility making use of the streets, alleys or other public ways or places of the city, for the purpose of rendering utility services, a franchise tax in the amount of three percent of the annual gross revenue received from residential, commercial andindustrial sales.

(b) *Due date and required report.* The public utility franchise tax shall be paid on or before the 20th day of the month following the calendar month in which the utility was provided and the sale was made, and payment shall be accompanied by a report showing the volume of gross sales by service classification (residential, commercial, industrial) for the preceding month.
(Code 1984, § 4-107)

Sec. 66-142. Telephone companies.

(a) Each telephone company operating in the city shall pay an occupational license tax in the amount of three percent of the recurring local service revenues received by such company from subscribers located within the city. The occupational tax shall be paid in quarterly installments, each of which shall be due on or before the last day of the second month following the end of each calendar quarter and shall be based on recurring local service revenues billed during such calendar quarter.

(b) The first payment under this section shall be based on revenues billed between the effective date of the ordinance from which this section derives and the end of the calendar quarter in which such effective date falls. Any amount of license tax previously paid and absorbed by a telephone company which is applicable to any period subsequent to the effective date of the ordinance from which this section derives shall be credited against the amounts imposed in this section or by subsequent ordinance.

(c) "Recurring local service revenues" shall mean:

(1) Monthly charges for local exchange service, including:

a. Charges for additional listings and joint users.

b. The guarantee portion of the charge for semipublic pay station services.

c. Charges for local message rate service, including mobile service local messages.

d. Subscriber station revenues from teletypewriter exchange service.

(2) Charges for Morse transmission, signaling, data transmission, remote metering and supervisory control where both terminal points are within the city limits.

(3) All charges for local private line services (except audio and video program transmission services), where both terminals of the private line are within the city limits.

(4) Nothing in this definition shall preclude the charging of a separate franchise fee for the transmission of audio or video program to customers by CATV companies.

(Ord. of 11-30-92, § 1)

Sec. 66-143. Franchise fee for state issued cable or video franchise.

The city hereby requires a franchise fee of five percent of gross revenues generated within the city for any cable or video state franchise issued in its corporate boundaries by the State of Georgia.

(Ord. of 2-12-2008, § 1)

Sec. 66-144. Authorized designee.

The city hereby authorizes the city attorney, upon receipt of notice to the city of its right to designate a franchise fee for an applicant for or holder of an existing state franchise, to provide written notice to the secretary of state and each applicant for or holder of a state franchise within a service area that is wholly or partially located within the city limits of the five percent franchisee fee rate applicable to such applicant or holder or a state franchise.

(Ord. of 2-12-2008, § 2)

Secs. 66-145--66-160. Reserved.

ARTICLE VII.

JUDICIAL IN REM TAX LIEN*

* **Editors Note:** An ordinance adopted June 20, 1995, did not specifically amend this Code; hence, codification of §§ I--IV as §§ 66-161--66-164 herein was at the editor's discretion.

Sec. 66-161. Definitions.

[The following terms, as used in this article, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:]

Interested party means:

(1) 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 of Georgia;

(2) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;

(3) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records maintained by the tax commissioner, clerk of court, or other records maintained in the courthouse. "Interested party" shall 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.

Redemption amount means the full amount of the delinquent ad valorem taxes, accrued interest at the rate specified in O.C.G.A. § 48-2-40, penalties as determined in accordance with O.C.G.A. § 48-2-44, and costs incurred by the city in collecting such taxes including without limitation the cost of title examination and publication of notice.
(Ord. of 6-20-95, § I)

Sec. 66-162. Petition requirements.

(a) After an ad valorem tax lien based upon an approved digest has been delinquent for 12 months, the tax collector may commence tax foreclosure in accordance with this article.

(b) The tax collector may commence tax foreclosure by filing a petition in the superior court. The petition must include:

(1) The identity of the petitioner and the name and address of the individual responsible for collecting the delinquent taxes;

(2) The property address;

(3) A description of the property;

(4) The tax identification number of the property;

(5) The calendar year(s) for which the taxes are delinquent;

(6) The principal amount of the delinquent taxes together with interest and penalties; and

(7) The names and addresses of parties to whom copies of the petition are to be sent in accordance with subsection (c) below.

(c) The petitioner shall mail copies of the petition by certified mail, return receipt requested, to all interested parties whose identity and address are reasonably ascertainable. Copies of the petition shall also be mailed by first class mail to the property address to the attention of the occupants, if any, and shall be posted on the property.

(d) Simultaneous with the filing of the petition, the petitioner shall file a lis pendens notice at the office of the clerk of superior court.

(e) Within 30 days of the filing of the petition, a notice shall be published twice in the official organ. Said notice shall specify:

(1) The identity of the petitioner and the name and address of the individual responsible for collecting the delinquent taxes;

(2) The property address;

(3) A description of the property;

(4) The tax identification number of the property;

(5) The applicable period of tax delinquency;

(6) The principal amount of the delinquent taxes together with interest and penalties;

(7) The date and place of the filing of the petition.

(Ord. of 6-20-95, § II)

Sec. 66-163. Hearing procedures.

(a) The petitioner shall request a judicial hearing not earlier than 30 days after the filing of the petition. At such hearing any interested party has the right to be heard and to contest the delinquency of the taxes of the adequacy of the proceedings. If the superior court determines that the information set forth in the petition is accurate, the court may render its judgment and issue an order finding and ordering as follows:

(1) The taxes are delinquent;

(2) Proper notice has been given to all interested parties;

(3) The property as described in the petition be sold in accordance with O.C.G.A. § 48-4-75 et seq.;

(4) The property shall be sold free and clear of all liens, claims and encumbrances other than:

a. Rights of redemption provided under federal law;

b. Tax liens held by state governmental entities other than the petitioner which are superior to the ad valorem taxes identified in the petition by virtue of O.C.G.A. § 48-2-56;

c. The holders of easements and rights-of-way described in O.C.G.A. § 48-4-77(1)(c); and

d. The holders of the benefits or burdens of any real covenants filed of record as of the date of filing of the petition.

(5) The sale shall become final and binding 60 days after the date of the sale in accordance with O.C.G.A. § 48-4-81.

(b) If, upon production of evidence, the court determines that any interested party died within the six-month period of time immediately preceding the filing of the petition, the court may postpone the hearing for a period up to six months, to allow the administrator or executor adequate time to close the estate.

(Ord. of 6-20-95, § III)

Sec. 66-164. Sale of property.

(a) At any time prior to sale, any interested party may redeem the property by payment of the redemption amount to the petitioner, whereupon the petitioner shall dismiss the proceedings.

(b) Following the hearing and order of the court in accordance with O.C.G.A. § 48-4-79, a sale of the property shall be advertised and conducted on the date, time, place and manner which are required by law of sheriff's sales. Such sale shall not occur earlier than 45 days following the date of the order.

(c) Except as otherwise authorized by law, the minimum bid price shall be the redemption amount. In the absence of a higher bid, the petitioner may but is not obligated to tender its own bid in an amount equal to the minimum bid price and thereby become the purchaser.

(d) From and after the moment of the sale and tender of the successful bid price, the sale shall be final and binding, subject only to the right of the owner of the property to redeem the property upon payment into the superior court the full amount of the minimum bid price. Such right of redemption of the owner shall exist for a period of 60 days from and after the date of the sale and shall be in accordance with the following provisions:

(1) Redemption by an owner shall result in a dismissal of the proceedings, and the petitioner shall refund to the purchaser the full amount paid by the purchaser at the sale;

(2) For purposes of redemption, "owner" shall mean the owner of record of fee simple interest in the property as of the date of filing of the petition, together with such owner's successors in interest by death or operation of law. This right of redemption shall not otherwise be transferable; and

(3) This right of redemption shall automatically terminate and expire upon failure to redeem within the 60-day period after the sale.

(e) If the property is not redeemed, then within 90 days after the sale, the petitioner shall cause to be executed and delivered to the purchaser a tax deed, together with a real estate transfer tax form.

(f) Within 90 days after the sale, the petitioner shall file a report of the sale with the court, stating whether a sale took place, the sale price, and the identity of the purchaser.

(g) If the sale price exceeds the minimum bid amount, the petitioner shall deposit the surplus into the registry of the court. Such surplus shall be distributed by the court to the interested parties, including the owner, as their interests appear and in the priority in which their interests exist.
(Ord. of 6-20-95, § IV)

Chapters 67--69

RESERVED

Chapter 70

TRAFFIC AND VEHICLES*

* **Cross References:** Alcoholic beverages, ch. 6; courts, ch. 30; offenses and miscellaneous provisions, ch. 42; parks and recreation, ch. 46; vehicles for hire, ch. 78.

State Law References: Authority to provide devices to control the flow of traffic, Ga. Const. art. 9, sec. 2, par. 3(a)(4); deposit of driver's license for violations of laws pertaining to traffic and motor vehicles, O.C.G.A. § 17-6-11; Uniform Rules of the Road, O.C.G.A. § 40-6-1 et seq.; power of local authorities generally, O.C.G.A. § 40-6-371.

ARTICLE I.

IN GENERAL

Sec. 70-1. Uniform Rules of the Road adopted.

(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 state law, every person convicted of a violation of any provision of this section shall be punished in accordance with section 1-12.

State Law References: Adoption of uniform rules of the road by local authorities, O.C.G.A. § 40-6-372.

Sec. 70-2. Truck routes established.

(a) It shall be unlawful for anyone to operate a motor vehicle or truck with more than six wheels on the vehicle except on streets designated by the city or the state department of transportation as being thoroughfares to be used for inner city transit by such motor vehicles. Such vehicles may, however, travel on city streets if the vehicle's departure or destination point is in the city.

(b) The permissible routes through the city for such vehicles for inner city transit are State Route

8/Highway 29 and State Route 17. All inner city traffic, as described in subsection (a) hereof, is restricted from the use of those portions of Highway 17 located within the city limits beginning at a point located at Highway 17 North at its intersection with the Royston Bypass, thence traveling south on Highway 17 to the southernmost limits of the city on Highway 17 South. All inner city truck traffic, as described in subsection (a) above, desiring to travel north or south on Highway 17 must utilize the Royston Bypass truck route.
(Ord. of 5-14-96, § 1; Ord. of 6-10-2008, § 1)

Secs. 70-3--70-25. Reserved.

ARTICLE II.

SPEED ZONES*

* **State Law References:** Alteration of speed limits by local authorities, O.C.G.A. § 40-6-183.

Sec. 70-26. Established.

The following speed zones are hereby established based on an engineering and traffic investigation as provided by state law:

Zone		Distance (miles)	Speed Limit (miles per hour)
On-system:			
State Route 8 (Royston):			
	From south city limits, M.P. 5.36, to 53 feet north of Cook Street, M.P. 5.69	0.33	45
State Route 8 (Royston):			
	From 53 feet north of Cook Street, M.P. 5.69, to 200 feet north of Cobb Memorial Street, M.P. 5.98	0.29	35
State Route 8 (Royston):			
	From 200 feet north of Cobb Memorial Street, M.P. 5.98, to 201 feet north of Lee Street, M.P. 6.52	0.54	25
State Route 8, School zone:			
	Royston Elementary School, 7:15--8:15 a.m., 14:45--15:45 p.m., school days only. From 446 feet south of Bowers Street, M.P. 6.04, to 429 feet north of Ty Cobb Street, M.P. 6.33	0.29	25
State Route 8 (Royston):			
	From 201 feet north of Lee Street, M.P. 6.52, to Hart County Line, M.P. 6.79	0.27	35
State Route 8 (Hart County, Royston):			

	From Franklin County Line, M.P. 0.00, to College Street, M.P. 0.10	0.10	35
State Route 8 (Hart County, Royston):			
	From College Street, M.P. 0.10, to north city limits, M.P. 0.68	0.58	45
State Route 17 (Hart County, Royston):			
	From south city limits, M.P. 4.30, to Franklin County line, M.P. 6.17	1.87	55
State Route 17 (Royston):			
	From Hart County line, M.P. 0.00, to State Route 17 Bus., M.P. 0.27	0.27	55
State Route 17 (Royston):			
	From State Route 17 Bus., M.P. 0.27, to north city limits, M.P. 0.36	0.09	45
State Route 17 Bus. (Hart County, Royston):			
	From south city limits, M.P. 0.25, to Franklin County line, M.P. 0.51	0.26	45
State Route 17 Bus. (Royston):			
	From Hart County line, M.P. 0.00, to 739 feet south of State Route 281, M.P. 0.20	0.20	45
State Route 17 Bus. (Royston):			
	From 739 feet south of State Route 281, M.P. 0.20, to 89 feet south of Cook Street, M.P. 0.46	0.37	35
State Route 17 Bus. (Royston):			
	From 89 feet south of Cook Street, M.P. 0.46, to65 feet north of College Street, M.P. 0.83	0.37	25
State Route 17 Bus. (Royston):			
	From 65 feet north of College Street, M.P. 0.83, to59 feet north of Fortson Street, M.P. 1.15	0.32	35
State Route 17 Bus. (Royston):			
	From 59 feet north of Fortson Street, M.P. 1.15, toState Route 17/Royston By-Pass, M.P. 1.65	0.50	45
State Route 281 (Hart County, Royston):			
	From south city limits, M.P. 0.74, to Franklin County line, M.P. 0.85	0.11	45
State Route 281 (Madison County):			
	From south city limits, M.P. 11.16, to Franklin County line, M.P. 11.27	0.11	45

State Route 281 (Royston):			
	From Madison/Hart County lines, M.P. 0.00, to Spring Street, M.P. 0.30	0.30	45
State Route 281 (Royston):			
	From Spring Street, M.P. 0.30, to State Route 17, M.P. 0.58	0.28	35
Signs shall be erected and maintained by the department of transportation.			
School zone hours are effective a.m. from 45 minutes prior to commencement time to 15 minutes after commencement time, p.m. from 15 minutes prior to dismissal to 45 minutes after dismissal time, school days only.			
Zone		Distance (miles)	Speed Limit (miles per hour)
Off-system:			
Bowers/Depot Street (Royston):			
	From State Route 8 to Carnes Street, posted as 25 mph	0.50	35
Cook Street (Royston):			
	From State Route 8 to State Route 17, posted as 30 mph except directly behind Ty Cobb Healthcare where it is posted as 20 mph due to crosswalk to Brown Memorial and Joe Adams Professional Building	0.70	30
Jordon Street (Royston):			
	From State Route 17 to west city limits, posted as 30 mph except directly behind school where it changes to 20 mph due to crosswalk to school playground and gym	0.70	30
Jordon Street (Royston):			
	From Cobb Street to Cheery Street	0.22	25
Old Elbert Road (Royston):			
	From east city limits to Hart County line	0.60	40
Old Elbert Road (Royston):			
	From Hart County line to State Route 17	0.30	30

Signs shall be erected and maintained by the city.
(Ord. of 11-30-92; Ord. No. 5720-03-99, 3-9-99)

ARTICLE III.

MOTORIZED CARS

Sec. 70-27. Purpose; definition.

(a) *Purpose.* The mayor and city council of the City of Royston find that certain public streets located within the corporate limits of Royston, Georgia, are designed and constructed so as to safely permit the use thereof by regular vehicular traffic and also the driving thereon of motorized carts.

(b) *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:

Motorized cart means all electric and gasoline-powered pleasure carts which are commonly called golf carts and UTVs (utility vehicles). Within this article, the terms "motorized cart," "golf cart" and "cart" shall have the same meanings; these are the only carts authorized for use under this article.
(Ord. of 6-9-2009, § 1)

Sec. 70-28. Operation of electric and gasoline powered carts.

(a) Every cart shall at all times be equipped with an exhaust system in good working order and in constant operation, meeting the following specifications:

(1) The exhaust system shall include the piping leading from the flange of the exhaust manifold to, and including, the muffler(s) and exhaust pipe(s).

(2) The exhaust system and its elements shall be securely fastened.

(3) . The engine of every cart shall be so equipped, adjusted and tuned, as to prevent the escape of excessive smoke or fumes.

(b) It shall be unlawful for the owner of any cart to operate, or permit the operation of, such cart on which any device controlling or abating atmospheric emissions, which is placed on a cart by the manufacturer, has been altered, rendered unserviceable or removed.
(Ord. of 6-9-2009, § 1)

Sec. 70-29. Operating regulations.

(a) Only persons with a valid driver's licenses are allowed to operate a motorized cart on designated streets in the City of Royston.

(b) Prior to operating a motorized cart as authorized in this article, the operator must register with the City of Royston, Georgia and must obtain an operating permit which is to be affixed to the motorized cart at the time of inspection. The city manager of the City of Royston is authorized to establish regulations and fees consistent with the intent of this article to govern the safe operation of motorized carts on the authorized streets within the corporate limits of the City of Royston.

(c) All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets, to include specific regulations established by the City of Royston.

(d) Motorized carts shall not be operated on sidewalks at any time. Motorized carts may be operated over authorized streets only during daylight hours, unless such motorized carts are equipped with functional headlights and taillights.

(e) A permit issued by the marshal of the City of Royston will authorize operation during daylight hours only unless a nighttime permit is specifically approved and issued.

(f) It shall be unlawful for the owner to operate or permit the operation of such cart over the authorized streets in violation of this article or in violation of the regulations established by the city of Royston. (Ord. of 6-9-2009, § 1)

Sec. 70-30. Hazardous activities and special rules.

No individual or group shall engage in hazardous activities on the authorized street. Such activities include, but are not limited to, the following:

(1) Racing of any kind, except for special events approved by the city.

(2) Blocking of public access, except for special events approved by the city.

(3) Pedestrians, skaters and permitted vehicles shall not loiter or park on any authorized street.

(4) All laws and ordinances relative to alcohol and the use thereof, including open container laws, apply to the motorized carts.

(Ord. of 6-9-2009, § 1)

Sec. 70-31. Authorized and prohibited streets.

All residential and commercial city owned streets within the city limits are approved for motorized cart operation. Prohibited streets include all Georgia State Routes, specifically Georgia Highway 17, Georgia State Route 8 (U.S. Hwy. 29), and Georgia State Route 281. Motorized carts are allowed to only cross these state routes to gain access to another residential or commercial street on the other side of the state highway at the following intersections:

•College Street and State Route 17

•Ty Cobb Street and State Route 8

•Cook Street and State Route 8

•Bowers Street and State Route 17

•Cook Street and State Route 17

•Baker Street and State Route 8

•Brooks and Lee Streets and State Route 17
(Ord. of 6-9-2009, § 1)

Sec. 70-32. Penalties.

Any person who violates the terms of this article shall be punished as provided in section 1-12 of the Code of Ordinances of the City of Royston.
(Ord. of 6-9-2009, § 1)

Chapters 71--73

RESERVED

Chapter 74

UTILITIES*

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* **Cross References:** Buildings and building regulations, ch. 18; businesses, ch. 22; environment, ch. 38; erosion and sedimentation control, § 38-116 et seq.; solid waste, ch. 58; streets, sidewalks and other public places, ch. 62; zoning ordinance, app. A; manufactured home regulations, app. C.

State Law References: Power of city or county to provide stormwater, sewerage collection and disposal systems, Ga. Const. art. 9, sec. 2, par. 3; dumping certain wastes in storm or sanitary sewers prohibited, O.C.G.A. § 12-8-2; power of municipality to grant franchises or make contracts with public utilities, O.C.G.A. § 36-34-2(7); city's authority to acquire, construct, extend, operate, maintain and collect fees for water and sewerage systems, O.C.G.A. § 36-34-5; limitation on municipal action expanding the power of regulation over any business activity regulated by the Public Service Commission, O.C.G.A. § 36-35-6; adoption of ordinances, rules and regulations relating to payment for street improvements and construction of water, gas and sewer connections; payment of costs of connections, O.C.G.A. § 36-39-7; grants of state funds to municipal corporations for public purposes, O.C.G.A. § 36-40-20 et seq.

Article I. In General

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ARTICLE I.

IN GENERAL

Secs. 74-1--74-25. Reserved.

ARTICLE II.

WATER SERVICE

DIVISION 1.

GENERALLY

Sec. 74-26. Municipal waterworks; control and supervision.

The municipal 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 and protection of the waterworks, subject to the approval and confirmation of the mayor and council.
(Code 1984, § 20-101)

Sec. 74-27. Inspections.

The water superintendent, or his designated assistant, may enter the premises of any water taker at any reasonable time to examine the condition of the water pipes, meters and fixtures.
(Code 1984, § 20-102)

Sec. 74-28. 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.
(Code 1984, § 20-103)

Sec. 74-29. Tapping charge.

(a) Upon the application for a new tap and service connection by any consumer within the corporate limits of the city, the applicant shall pay to the city clerk the sum as set forth in the schedule of fees and charges 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.

(b) The city shall own and maintain the water line from the main to the curb box and the property owner shall own and maintain the service line from the curb box to the premises served.

(c) All work upon the service line shall be performed by a licensed plumber.
(Code 1984, § 20-104)

Sec. 74-30. Size of service tap.

No service tap shall be more than three-fourths inch in diameter; provided that the water superintendent may grant special permission for larger taps where the water supply and service facilities are sufficient to permit such taps. Where a larger tap is permitted, the superintendent shall fix the tapping charge therefor.
(Code 1984, § 20-105)

Sec. 74-31. Water meters.

Each building or structure using city water shall have a water meter installed by the city, which may be installed either in a curb box or inside of the building at the option of the property owner. All such meters are the property of the city.
(Code 1984, § 20-106)

Sec. 74-32. Service line regulations.

No more than one building shall be permitted to use a water service line. Only galvanized pipe shall be used for the installation of a service line and all service lines shall be installed at a depth at least 40 inches below the surface of the ground. Each service line shall contain a stop and waste cock where the water may be turned off.
(Code 1984, § 20-107)

Sec. 74-33. Water waste prohibition.

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bath tubs and other fixtures must not be left running for any purpose other than the use for which they were intended. When any such waste occurs, the water service may be terminated.
(Code 1984, § 20-108)

Sec. 74-34. Sprinkling restrictions.

In case of water shortage or scarcity, the mayor and council may by resolution place any restrictions upon the use of water for irrigation or sprinkling purposes which such body deems necessary.
(Code 1984, § 20-109)

Sec. 74-35. Use during fire alarms.

During all fire alarms the use by persons other than municipal firefighters of hoses and other apparatuses maintaining a constant flow of water is absolutely forbidden.
(Code 1984, § 20-110)

Sec. 74-36. Water rates.

(a) Municipal water rates for residential customers within the city's service area shall be as follows: Municipal water rates are now governed by charges established by the city council and are set forth in the schedule of fees and charges.

(b) Contracts for commercial water customers shall be negotiated with the mayor and council on the basis of their requirements.
(Code 1984, § 20-111)

Sec. 74-37. Billing.

Water meters shall be read during the last week of each month as nearly as possible, and bills shall be mailed on the ninth day of each succeeding month. All water bills shall be due on or before the 25th day of the month following the reading of the meter, and if not paid by such date, a penalty of ten percent of the amount of the bill shall be added thereto and paid by the water user.
(Code 1984, § 20-112)

Sec. 74-38. Discontinuance of service.

If any bill for water as provided in this article is not paid within 30 days of the due date, the water service shall be cut off and in no case shall it be reinstated to the same property until the delinquencies have been paid in full.
(Code 1984, § 20-113)

Sec. 74-39. Charges for turning water on.

The charges for turning water on are as set forth in the schedule of fees and charges.
(Code 1984, § 20-114)

Sec. 74-40. Restriction on outdoor water of landscape.

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

(1) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;

(2) Capture and reuse of cooling system condensate or storm water in compliance with applicable city ordinances and state guidelines;

(3) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health

regulations;

(4) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;

(5) Watering personal food gardens;

(6) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;

(7) Drip irrigation or irrigation using soaker hoses;

(8) Hand watering with a hose with automatic cutoff or handheld container;

(9) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;

(10) Watering horticultural crops held for sale, resale, or installation;

(11) Watering athletic fields, golf courses, or public turf grass recreational areas;

(12) Installation, maintenance, or calibration of irrigation systems; or

(13) Hydroseeding.

(Ord. of 1-11-2011, § 1)

Sec. 74-41. Enforcement.

(a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in section 74-40.

(b) The city shall be the enforcement authority for section 74-40. The city manager may also authorize other departments as may be deemed necessary to support enforcement.

(c) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court or by any other legal means as set forth in this Code.

(Ord. of 1-11-2011, § 1)

Secs. 74-42--74-50. Reserved.

DIVISION 2.

WELLHEAD PROTECTION

Sec. 74-51. Short title and purpose.

(a) This division shall be known as the "Wellhead Protection Ordinance."

(b) The purpose of this division is to ensure the provision of a safe and sanitary drinking water supply for the city by the establishment of wellhead protection zones surrounding the wellheads for all wells which are the supply sources for the city water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.
(Ord. of 12-14-99, § 1)

Sec. 74-52. Definitions.

When used in this ordinance the following words and phrases shall have the meanings given in this section:

Hazardous waste or *material:* Any waste or material which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Sanitary landfill: A disposal site where solid wastes, including putrescent wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

Wellhead: The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.
(Ord. of 12-14-99, § 2)

Sec. 74-53. Establishment of wellhead protection zone.

There is hereby established a use district to be known as a wellhead protection zone, identified and described as all the area within a circle, the center of which is the center of any city water supply wellhead and the radius of which is 1,874 feet.
(Ord. of 12-14-99, § 3)

Sec. 74-54. Permitted uses.

The following uses shall be permitted within wellhead protection zones:

(1) Any use permitted within existing agricultural or single-family residential districts, except that the minimum residential lot size for a lot, any portion of which lies within the wellhead protection zone, shall not be less than one acre; and

(2) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

(Ord. of 12-14-99, § 4)

Sec. 74-55. Prohibited uses.

The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under section 74-54:

(1) Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides;

(2) Septic tanks or drain fields appurtenant thereto;

(3) Impervious surfaces other than roofs of buildings, and streets, driveways, and walks serving buildings permitted under section 74-54;

(4) Sanitary landfills;

(5) Hazardous waste disposal sites;

(6) Stormwater infiltration basins;

(7) Underground storage tanks;

(8) Sanitary sewer lines within 150 feet of a wellhead.

(Ord. of 12-14-99, § 5)

Sec. 74-56. Administration.

The policies and procedures for administration of any wellhead protection zone established under this division, including, without limitation, those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance for the city, as the same is presently enacted or may, from time to time, be amended.

(Ord. of 12-14-99, § 6)

Secs. 74-57--74-60. Reserved.

ARTICLE III.

SANITARY SEWERAGE*

* **Editors Note:** Ord. of 10-13-98 effectively repealed former art. III, §§ 74-61--74-68, 74-81--74-96, 74-106--74-119 and 74-131--74-139, and established a new art. III. Former art. III pertained to sewer service and derived from the 1984 Code, §§ 21-101, 21-102(1), 21-102(2), 21-102(4), 21-103, 21-104(1.0)--(16.0), 21-105(1)--(14), 21-106(1)--(10), 21-107, 21-108.

DIVISION 1.

GENERALLY

Sec. 74-61. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

BOD (denotes biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Person shall mean any individual, firm, company, partnership, association, society, corporation or group.

pH shall mean the logarithm of the reciprocal of the eight of hydrogen ions in grams per liter of solution.

Properly shredded garbage shall mean the wastes as defined in the definition for garbage (above) that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Sewage shall mean a combination of the water-carried wastes from residences, businesses, institutions,

and industries, together with such ground, surface and storm waters as may be present.

Sewage treatment plant shall mean any arrangement of devices and structures used or the treatment of sewage.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; may is permissive.

Slug shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constitutent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Storm drain (also "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent shall mean the mayor of the city or his designate.

Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtration.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
(Ord. of 10-13-98)

Sec. 74-62. Deposit of objectionable waste.

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 wastes.
(Ord. of 10-13-98)

Sec. 74-63. Discharge of polluted waters.

It shall be unlawful to discharge to any natural outlet within the city, or in any area within its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article.
(Ord. of 10-13-98)

Sec. 74-64. Privies, septic tanks.

Except as provided in this article, 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.
(Ord. of 10-13-98)

Sec. 74-65. Sewer connection.

The owners 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 public sanitary or combined sewer, are required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line of the owners affected.
(Ord. of 10-13-98)

Secs. 74-66--74-70. Reserved.

DIVISION 2.

PRIVATE SEWAGE DISPOSAL

Sec. 74-71. Private sewage disposal system; general.

Where a public sanitary or combined sewer is not available under the provisions of section 74-65, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.
(Ord. of 10-13-98)

Sec. 74-72. Permit.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement with any plans, specifications, and other information as deemed necessary by the superintendent. A permit and inspection fee shall be paid to the city at the time the application is submitted.

Also, application shall be made for a permit from the county health department. Fees and specifications are to be set by the county.
(Ord. of 10-13-98)

Sec. 74-73. Inspection.

A permit for a private sewage disposal system shall not be effective until the installation is completed to the satisfaction of the superintendent and the county health department. The superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is completed and ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the superintendent.
(Ord. of 10-13-98)

Sec. 74-74. Compliance with state standards.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the department of public health of the state. No permit shall be issued for any private sewage disposal system employing subsurface soils absorption facilities where the area is smaller than the minimum lot size set by resolution of the city council (1.5 acres). No septic tank or cesspool shall be permitted to discharge any natural outlet.
(Ord. of 10-13-98)

Sec. 74-75. Owner to maintain.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.
(Ord. of 10-13-98)

Sec. 74-76. Abandonment when superseded.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as required in section 74-65, a direct connection shall be made to the public sewer in compliance with this article, and such private disposal facilities shall be abandoned and filled with suitable material.
(Ord. of 10-13-98)

Sec. 74-77. Connection to public system.

When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days, and the private system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
(Ord. of 10-13-98)

Sec. 74-78. Additional requirements.

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by city health authorities.
(Ord. of 10-13-98)

Secs. 74-79--74-90. Reserved.

DIVISION 3.

BUILDING SEWERS AND CONNECTIONS

Sec. 74-91. Permit for alterations to system.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.
(Ord. of 10-13-98)

Sec. 74-92. Classes of permits; applications; fees.

There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented with any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of $25.00 for a residential and commercial sewer permit and $75.00 for an industrial building sewer permit shall be paid to the city at the time the application is submitted.
(Ord. of 10-13-98)

Sec. 74-93. Indemnification.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
(Ord. of 10-13-98)

Sec. 74-94. Individual sewers.

A separate and independent building sewer shall be provided to every building, except where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed at the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
(Ord. of 10-13-98)

Sec. 74-95. Existing building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent to meet all the requirements of this article. No fewer than one copy of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 are on file in the city clerk's office. Said copy is available for public inspection at reasonable times.
(Ord. of 10-13-98)

Sec. 74-96. Standards of construction.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city.
(Ord. of 10-13-98)

Sec. 74-97. Elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
(Ord. of 10-13-98)

Sec. 74-98. Prohibitions.

No persons shall make any connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground waters to a building sewer or building drain which in turn is connected directly or indirectly with a public sanitary sewer.
(Ord. of 10-13-98)

Sec. 74-99. Connection standards.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent in advance of installation.
(Ord. of 10-13-98)

Sec. 74-100. Industrial waste standards.

Any new industry or establishment producing industrial wastes shall comply with the United States Environmental Protection Agency Pretreatment Regulations (40 CFR Part 128) prior to connection with the public system.
(Ord. of 10-13-98)

Sec. 74-101. Inspection of connection.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for final inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his designate.
(Ord. of 10-13-98)

Sec. 74-102. Safety; restoration after excavation.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city at no cost thereto.
(Ord. of 10-13-98)

Secs. 74-103--74-110. Reserved.

DIVISION 4.

USE OF THE PUBLIC SEWERS

Sec. 74-111. General prohibitions.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any

sanitary sewer.
(Ord. of 10-13-98)

Sec. 74-112. Discharge of unpolluted waters.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet.
(Ord. of 10-13-98)

Sec. 74-113. Specific prohibitions.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtla, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in wastes as discharged to public sewage;

(3) Any waters or wastes having a pH lower than five and one-half or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(4) Solid or viscuous substances in quantity or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, metal, shavings, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(Ord. of 10-13-98)

Sec. 74-114. Limitations on discharge.

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 outlets, or can otherwise endanger life, limb, public property or 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 restricted substances are:

(1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (6 degrees Centigrade);

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 to 65 degrees Centigrade);

(3) Any garbage that has not been properly shredded; the installation and operation of any garbage grinder equipment shall be subject to the review and approval of the superintendent;

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any substance received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such works. Wastes and waters containing concentrations in excess of the limitations set out below are hereby declared unacceptable and prohibited under this section:

Substances	Limitations, mg/l
Cyanide	0.20
Cadmium	0.005
Chromium	1.0
Copper	1.0
Nickel	.01
Silver	0.2
Mercury	0.005
Zinc	3.0
Tin	5.0
Phenol	0.05
Arsenic	0.05
Chlorinated hydrocarbons	0.02
Lead	1.0

(6) 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 a necessary after treatment of the composite sewage, to meet the requirements of the federal, state, or other public agencies with jurisdiction over discharges to the receiving waters;

(7) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the superintendent in compliance with applicable federal and state regulations;

(8) Any waters or wastes having a pH in excess of 9.0;

(9) Materials which cause or exert:

a. Unusual concentrations of inert-suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to,

sodium chloride and sodium sulfate);

b. Concentrations of hydrogen sulfide, sulfur dioxide, or nitrous oxide exceeding one milligram per liter;

c. Excessive discolorations, such as, but not limited to, that from dye wastes and vegetable tanning solutions;

d. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

e. Unusual volume or flow of concentration of wastes constituting "slugs" as defined in section 74-61;

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. of 10-13-98)

Sec. 74-115. Enforcement.

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in section 74-114, and which in the judgment of the superintendent may have a deleterious effect upon the sewer 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; or

(2) Require pretreatment to an acceptable condition for discharge to the public sewers; or

(3) Require control over the quantities and rates of discharge; and

(4) Require payment to cover any added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 16-510.

(b) If the superintendent permits pretreatment or the equalization of waste flows, the design and installation of the necessary 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 regulatory rules and laws. The admission to the public sewers of any water or waste having:

(1) A five-day BOD greater than 300; or

(2) More than 350 milligrams per liter of suspended solids; or

(3) An average daily flow greater than two percent of the average daily sewer flow to the city;

shall be subject to the review and approval of the superintendent.
(Ord. of 10-13-98)

Sec. 74-116. 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; provided 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 as to be readily and easily accessible for cleaning and inspection.
(Ord. of 10-13-98)

Sec. 74-117. Preliminary treatment or flow equalizing facilities.

Where preliminary treatment 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 10-13-98)

Sec. 74-118. Individual manholes.

When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances to the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely locked 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 10-13-98)

Sec. 74-119. Sampling of water and waste.

All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Wastewater", published by the American Public Health Association, a copy of which is filed with the city clerk and is available for public inspection at reasonable times. Such examinations shall be taken at the control manhole provided, or upon suitable samples taken at said manhole. In the event that 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 a premise is appropriate or whether a grab sample of samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH levels are determined from periodic grab samples.
(Ord. of 10-13-98)

Sec. 74-120. Exceptions.

No statement contained in this part shall be construed to prevent 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 10-13-98)

Secs. 74-121--74-130. Reserved.

DIVISION 5.

PROTECTION FROM DAMAGE

Sec. 74-131. Offense defined.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structures, appurtenance, or equipment which is a part of the sewage works. Any person violating this section shall be subject to immediate arrest under a charge of disorderly conduct.
(Ord. of 10-13-98)

Secs. 74-132--74-140. Reserved.

DIVISION 6.

POWER AND AUTHORITY OF INSPECTORS

Sec. 74-141. Inspection function.

The superintendent and any other duly authorized employees of the city bearing proper identification and credentials shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The superintendent or his delegates shall have the authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other source of discharge to the sewers or waterways or facilities for waste treatment.
(Ord. of 10-13-98)

Sec. 74-142. Safety and indemnification.

While performing the necessary work on private properties referred to in section 74-141 above, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for the injury or death of the city employee and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for compensation for personal injury or property damage asserted against the company arising out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain state conditions as required in section 74-118.

Sec. 74-143. Inspection involving easements.

The superintendent and other duly authorized employees of the city bearing proper identification and credentials shall be permitted to enter all private property through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.
(Ord. of 10-13-98)

Secs. 74-144--74-150. Reserved.

DIVISION 7.

PENALTIES

Sec. 74-151. Notice.

Any person found to be violating any provisions of this article except division 5 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice permanently cease all violation. Any person violating provisions of division 5 is subject to immediate arrest as stated in that division.
(Ord. of 10-13-98)

Sec. 74-152. Offense and penalty.

Any person who shall continue or allow to continue any violation behind the time limit provided for in section 74-151 shall be guilty of a violation of this article and on conviction thereof shall be fined in an amount not to exceed $500.00 for each violation. Each day on which or during which a violation is allowed to continue or continues shall constitute a separate offense subject to fine.
(Ord. of 10-13-98)

Sec. 74-153. Violator liability.

Any person violating any of the provisions of this article shall become liable thereby to the city for any expense, loss, or damage occasioned the city by reason of such violation.
(Ord. of 10-13-98)

Secs. 74-154--74-200. Reserved.

ARTICLE IV.

WASTEWATER

DIVISION 1.

GENERAL PROVISIONS

Sec. 74-201. Purpose and policy.

This article sets forth uniform requirements for users of the publicly owned treatment works for the City of Royston (city) and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this article are:

(a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

(b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;

(c) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

(e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(f) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This article shall apply to all users of the city's publicly owned treatment works. The article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the establishment of fees for the equitable distribution of costs resulting from the program established herein.
(Ord. of 2-15-2006, § 1.1)

Sec. 74-202. Administration.

Except as otherwise provided herein, the City Council of Royston shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the city council may be delegated by the city council to other city personnel.
(Ord. of 2-15-2006, § 1.2)

Sec. 74-203. Abbreviations.

The following abbreviations, when used in this article, shall have the designated meanings:

• BOD - Biochemical Oxygen Demand

• CFR - Code of Federal Regulations

• COD - Chemical Oxygen Demand

• EPA - U.S. Environmental Protection Agency

• gpd - gallons per day

• mg/l - milligrams per liter

• NPDES - National Pollutant Discharge Elimination System

• POTW - Publicly Owned Treatment Works

• RCRA - Resource Conservation and Recovery Act

• SIC - Standard Industrial Classification

• SIU - Significant Industrial User

• TSS - Total Suspended Solids

• U.S.C. - United States Code

(Ord. of 2-15-2006, § 1.3)

Sec. 74-204. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

Approval authority. The State of Georgia Department of Natural Resources Environmental Protection Division.

Authorized representative of the user.

(1) If the user is a corporation:

a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or the sole proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in subsections (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

City. The City Council of Royston, or personnel appointed by the City Council of Royston, to enforce and carry out duties of this article.

Environmental protection agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

Existing source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Grab ample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Health officer. The director of the county board of health or other person designated by the board of commissioners and their duly appointed assistants.

High strength wastewater. Wastewater which contains quantities of specified constituents that exceed the quantities normally encountered in domestic wastewater as defined in division 14 of this article.

Indirect discharge or discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial wastewater. Wastewater in which the solid, liquid, and gaseous wastes from process of industry, manufacture, trade or business, or from the development or recovery of any natural resource (as distinct from domestic or sanitary wastes) is found.

Instantaneous maximum allowable discharge limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Medical waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

New source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

   (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

   (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

   (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than

a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.Noncontact cooling water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pass through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant. Dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment coordinator. The person designated by the city to supervise the operation of the POTW,

and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

Pretreatment requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in sections 74-221 and 74-223.

Publicly owned treatment works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Septic tank waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

Significant industrial user.

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

b. Contributes a process wastestream which makes up two percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug load or slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 74-221.

Standard industrial classification (SIC) code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

Storm water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Superintendent. The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.

Suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

User or industrial user. A source of indirect discharge.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater treatment plant or treatment plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
(Ord. of 2-15-2006, § 1.4)

Secs. 74-205--74-220. Reserved.

DIVISION 2.

GENERAL SEWER USE REQUIREMENTS

Sec. 74-221. Prohibited discharge standards.

(a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in quantities or of such size which will cause obstruction of the flow in the POTW 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 POTW;

(5) Wastewater having a temperature greater than 150°F (65°C), or 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°F (40°C);

(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 POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the pretreatment coordinator in accordance with section 74-244;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the pretreatment coordinator;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, blood, or embalming fluid except as specifically authorized by the pretreatment coordinator in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or grease concentrations of vegetable or animal origins in concentrations greater than 75 mg/L;

(18) Blood and embalming fluids; or

(19) Ground up food wastes exceeding one gallon per day.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
(Ord. of 2-15-2006, § 2.1)

Sec. 74-222. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

(a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the pretreatment coordinator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the pretreatment coordinator shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
(Ord. of 2-15-2006, § 2.2)

Sec. 74-223. Local limits.

The city is required to develop and enforce "local limits" governing the quality and quantity of user discharges to the city's POTW. The city has established limits for a number of critical pollutants based on the operating limitations of the POTW, NPDES permit requirements, receiving stream water quality standards, sludge disposal requirements, and POTW worker safety. Background loadings for the domestic and commercial loadings were based on locally collected data where possible, otherwise EPA data was used. Maximum industrial discharge concentrations were derived for various pollutants to accomplish the above requirements to protect human health and the local environment. Discharges to the POTW containing pollutants in concentrations in excess of the values shown in Table 2.3 are prohibited.

(a) Because plant operation characteristics can change and state and federal standards for water quality are subject to change, the local limits are also subject to revision. Therefore, the city

reserves the right to revise a user's discharge permit to restrict the volume or mass of particular pollutants previously permitted. If necessary, the city has the right to revoke a user's permit if such discharge would result in a direct or indirect violation of state or federal standards by the POTW.

(b) Local limits have been calculated in accordance with the above considerations and are provided in Table 2-3 of this article.

Table 2-3. Local Limits	
POLLUTANT	Limit* (mg/L)
Arsenic	0.1133
Cadmium	0.0234
Chromium	0.3636
Copper	0.4087
Lead	0.1693
Mercury	0.0058
Nickel	0.1372
Selenium	0.0335
Zinc	0.212
Cyanide, Total	0.2394
Chloroform	4.7684
Phenols	10.044
Ammonia (as N)	35
Surfactants (as MBAS)	138
Total Toxic Organics (TTO)	2.13
Total Oil and Grease	75
Biochemical Oxygen Demand (BOD)	300**
Total Suspended Solids (TSS)	200**
* Equivalent mass-based limits may be imposed at the city's discretion	
** May be exceeded/surcharged at the discretion of the city	
NOTE: All metals are "total" metals unless otherwise specified.	

(Ord. of 2-15-2006, § 2.3)

Sec. 74-224. City's right of revision.

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements than the provisions of this SUO including the National Categorical Pretreatment Standards.
(Ord. of 2-15-2006, § 2.4)

Sec. 74-225. Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The pretreatment coordinator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or

requirements, or in other cases when the imposition of mass limitations is deemed to be appropriate. (Ord. of 2-15-2006, § 2.5)

Sec. 74-226. Construction standards.

(a) *General.* The size, slope, alignment, materials of construction, methods used in excavating and placing the pipe, jointing, testing and backfilling the trench for building sewers, shall all conform to local building codes, plumbing codes and all other applicable requirements of the city. In cases of conflict or in the absence of guiding provisions, materials and procedures set forth in A.S.T.M. and Water Pollution Control Federation Manual of Practice No. 9 shall govern. All joints of the building sewer shall be tight and waterproof. No installation of pipe or other materials for sewer extensions shall be allowed until required information is received and the design is approved by the city.

Additionally, the following materials and methods shall apply to building sewers within the city's supervision:

(1) The building sewer shall be ductile iron pipe, American National Standards Institute (ANSI) Specification A21.51, latest revision, or equal; or polyvinyl chloride (PVC) sewer pipe, ASTM Specification D3034, latest revision. All joints shall be tight and waterproof.

Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of ductile iron pipe. Bolted mechanical joints maybe required by the superintendent where the sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that plastic pipe may be acceptable if laid on a suitable concrete bed or cradle as approved by the city.

(2) The size and slope of the building sewer shall be subject to the approval of the city, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-eighth-inch per foot. Furthermore, the appropriate requirements of the Occupational Health and Safety Act (OSHA) shall be followed.

(3) The depth shall be sufficient to afford protection from frost, and the building sewer shall be laid at uniform grade and with straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall not be placed in the same trench with water service lines.

(4) An excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the city. Pipe laying and backfill shall be performed in accordance with ASTM Specification C12, latest revision, except that no backfill shall be placed until the work has been inspected and approved.

(5) All joints and connections shall be made gastight and water tight.

Push-on joints for ductile iron pipe shall also have neoprene gaskets and be installed according to the manufacturer's recommendations.

PVC pipe joint material shall be of the bell and spigot type, sealed with a rubber "O"-ring gasket, having a composition and texture which is resistant to the common ingredients of sewage, industrial wastes (including oils), and groundwater, and which will endure permanently under the conditions likely to be imposed by this use. Installation of gasket shall be done in accordance with the pipe manufacturer's instructions using all the necessary materials, lubricants, and equipment recommended by the manufacturer.

Other jointing materials may be used only when approved by the city.

(6) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such a branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the city shall, at the owner's expense, cut a neat hole into the public sewer, with entry in the downstream direction at an angle of about 45 degrees, and install a 45 degree elbow with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at an elevation of at least one-tenth foot above the invert of the public sewer. A neat smooth joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the city.

(b) *Prohibitions.* No building sewers shall be connected to a sanitary sewer until drawings are received and until the extension has been inspected, tested, and accepted by the city. Groundwater, rainwater, mud, and gravel shall be kept out of the sanitary sewer system at all times, including during construction.

(c) *Other regulations.* Design and construction of sanitary sewer extensions shall comply with all local, state, and federal rules and regulations pertaining to sewer installation, including, but not limited to rules and regulations for safety, erosion and sediment control, stream buffer protections, wetlands, and water quality standards.
(Ord. of 2-15-2006, § 2.6)

Sec. 74-227. Use of public sewers required.

(a) All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.

(b) No person shall dispose of human excrement except in a toilet.

(c) It shall be unlawful to discharge to any natural outlet within the city's sewer system, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, including septic tank effluent or cesspool overflow to any open drain or well-penetrating, water-bearing formation, except where suitable treatment has been provided in accordance with provisions of this article.

(d) Except as hereinafter 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 wastewater.

(e) All sinks, dishwashing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer;

provided, that where no sewer is available, septic tanks or other private subsurface disposal facilities approved by the health officer may be used.
(Ord. of 2-15-2006, § 2.7)

Sec. 74-228. Private sewage disposal.

(a) When a public sanitary sewer is not available in accordance with this article, building sewers shall be connected to private onsite sewage management systems complying with the provisions of the city, the health officer, and the Georgia Department of Natural Resources. The following conditions shall apply for private onsite sewage management systems:

(1) Approval to construct, repair, alter, enlarge and/or use privies, privy vaults, cesspools, aeration systems and septic tanks shall be granted by the health officer. The owners shall operate and maintain the private wastewater disposal in a sanitary manner at all times in accordance with the conditions of the SUO, and any special conditions imposed by the city, at no expense to the city. The city or health officer shall have the right to inspect such facilities at reasonable times with prior notice. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the applicable local, state and federal laws. The city will not approve any private wastewater disposal system employing subsurface soil disposal where the lot area is less than 1.5 acres.

(2) Approval to install and operate private sewage lift stations that discharge sewage from private property into the POTW must be obtained from the city. Final approval shall be granted only after the city reviews and approves the plans and specifications. The owner shall operate and maintain the private sewage lift station at no expense to the city and according to established standards. The city shall have the right to inspect at reasonable times with prior notice the private sewage lift stations and require improvements necessary to satisfy the requirements set forth in this SUO.

(3) Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the health officer. Septic tanks shall be maintained in sanitary working order.

(4) No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, nor in any place where the health officer deems the use of same to be a menace to human health or well being.

(5) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(6) Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.

(b) No requirement contained in this article shall be construed to relieve the applicant of any additional requirements that may be imposed by other authorities having legal jurisdiction.

(c) At such time as public sewer becomes available within 200 feet to the property served by a private sewage disposal system, the city may require a direct connection to be made to the public sewer within 30 days after notice. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.

(d) No pit privy shall be installed in the following locations:

(1) Where a public sewer is accessible to the premises involved; or,

(2) In areas where the health officer deems the use of pit privies to constitute a nuisance or menace to the public health; or,

(3) Where a pit privy may pollute any water supply; or,

(4) Where the use of pit privies is not in keeping with the standard of sanitation in adjacent areas.

(e) *Discharge of septic tanks in sewer system.*

(1) It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catch basin or other opening, into the city sewer system, or any system connected with and discharging into the sewer system, the contents of any septic tank, sludge, sewage, or other similar matter or material, except as provided herein.

(2) A charge shall be made for the privilege of dumping the contents of septic tanks, as provided in separate rules.

(f) Any premise that has a septic tank, privy, or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner shall be corrected within 30 days from the receipt of written notification from the health officer and said system is not functioning in a sanitary manner, and order that said system be corrected.

(g) Premises with private water systems shall not be connected with the public sewerage system unless expressly approved by the city.

(h) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.
(Ord. of 2-15-2006, § 2.8)

Sec. 74-229. Building sewers and connections.

(a) The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the superintendent. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.

(b) All costs and expenses incidental to the installation and connection of the 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.

(c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all requirements of this article.

(e) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the city or its representative.

(f) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(g) The city will define the availability of sewers and any costs associated with sewer permits or construction.

(h) If any house sewer allows the entrance of infiltration or inflow, the city may:

(1) Require the owner to repair the house sewer.

(2) Charge the owner a sewer rate that reflects the costs of the additional expense of sewage treatment from the owner's property.

(3) Require the owner to disconnect his sewer from the city sewer system.

(i) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(j) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved for purposes of disposal of polluted surface drainage.
(Ord. of 2-15-2006, § 2.9)

Secs. 74-230--74-240. Reserved.

DIVISION 3.

PRETREATMENT OF WASTEWATER

Sec. 74-241. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 74-221 within the time limitations specified by EPA, the state, or the city pretreatment coordinator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the pretreatment coordinator for review, and shall be acceptable to the pretreatment coordinator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this article.
(Ord. of 2-15-2006, § 3.1)

Sec. 74-242. Additional pretreatment measures.

(a) Whenever deemed necessary, the pretreatment coordinator may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.

(b) The pretreatment coordinator may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be provided in accordance with the requirements outlined in section 74-245 when, in the opinion of the pretreatment coordinator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the pretreatment coordinator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(e) Whenever deemed necessary, the city may require users to install a suitable monitoring manhole on the building sewers on their property to facilitate observation, sampling, and measurement of wastewaters. The manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the industrial user at their expense and shall be maintained by the industrial user as to be safe and accessible at all times. It shall be unlawful for any industrial

user to discharge, or cause, or allow to be discharged, unless otherwise authorized in writing by the city, any industrial wastewater which bypasses or does not flow through, the monitoring manhole, unless discharged through a NPDES permitted facility or disposed of off-site at a licensed disposal facility.
(Ord. of 2-15-2006, § 3.2)

Sec. 74-243. Accidental discharge/slug control plans.

At least once every two years, the pretreatment coordinator shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan unless such a plan already exists. The pretreatment coordinator may require any user to develop, submit for approval, and implement such a plan. Alternatively, the pretreatment coordinator may develop such a plan for any user at the user's expense in the event that a user does not develop a plan in a timely manner. An accidental discharge/slug control plan shall address, at a minimum, the following:

(a) Description of discharge practices, including nonroutine batch discharges;

(b) Description of stored chemicals;

(c) Procedures for immediately notifying the pretreatment coordinator of any accidental or slug discharge, as required by section 74-306; and

(d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(e) A drawing of sufficient scale and quality to identify chemical and wastewater storage areas in the facility, sewer drain locations in and around the facility, material handling areas, and storage of emergency response equipment if required to protect the POTW from a slug discharge.
(Ord. of 2-15-2006, § 3.3)

Sec. 74-244. Hauled wastewater.

(a) Septic tank waste may be introduced into the POTW only at locations designated by the pretreatment coordinator, and at such times as are established by the pretreatment coordinator. Such waste shall not violate division 2 of this article or any other requirements established by the city.

(b) The pretreatment coordinator shall require haulers of industrial waste to obtain wastewater discharge permits. The pretreatment coordinator may require generators of hauled industrial waste to obtain wastewater discharge permits. The pretreatment coordinator also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.

(c) Industrial waste haulers may discharge loads only at locations designated by the pretreatment coordinator. No load may be discharged without prior consent of the pretreatment coordinator. The pretreatment coordinator may collect samples of each hauled load to ensure compliance with applicable standards. The

pretreatment coordinator may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes. (Ord. of 2-15-2006, § 3.4)

Sec. 74-245. Commercial wastewater pretreatment.

(a) Requirements for installation of a sand and oil/grease interceptor shall be as follows:

(1) All users involved in the preparation of food for commercial purposes shall provide oil/grease interceptors or traps. Additionally, any user who generates wastewater which contains greater than the quantity of oil and grease regulated under section 74-221, and provided that the excess oil and grease is floatable and can be effectively removed in an oil/grease interceptor or trap, then said user will be required to install a grease/oil interceptor.

(2) All users whose wastewater stream is associated with unusually large quantities of grit, sand, or gravel shall be required to install a sand trap. All car/truck wash systems shall be required to install sand traps.

(3) The requirements of this SUO section shall not apply to private living quarters or dwelling units.

(b) Design criteria for required sand and oil/grease interceptors at restaurants and other eating establishments shall be as follows:

(1) All interceptors shall have a capacity of 15 gallons per seat.

(2) No grease trap shall be smaller than 750 gallons nor larger than 3000 gallons.

(c) Design criteria for required sand and oil/grease interceptors for establishments other than eating establishments shall be as follows:

(1) All interceptors shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate.

(2) Flow through velocities shall not exceed one foot per second at the peak eight-hour flow rate.

(d) *Maintenance requirements.*

(1) All grease, oil, and sand interceptors or traps shall be maintained by the user at the user's expense. The frequency of removal shall be such as to ensure that no overflows of oil, grease, or sand into the wastewater system ever results.

(2) All grease, oil, and sand interceptors or traps shall provide continuous efficient operation.

(3) Users shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates, means of disposal which are subject to review by the city.

(4) At a minimum, grease, oil, and sand interceptors or traps shall be maintained at the following intervals:

a. Monthly for establishments serving an average of 200 or more customers per day;

b. Quarterly for establishments serving an average of 100 to 200 customers per day; and

c. Every six months for establishments serving an average of 100 or fewer customers per day.

(5) Within 30 days of a pumping or maintenance activity, each user shall submit records of proper maintenance and disposal of wastes to the city. The following information, as applicable, must be provided as a minimum:

a. *Generator information:*

- Name and physical address of facility

- Volume of waste pumped

- Date and time of pumping activity

- Signature of authorized representative

b. *Transporter iInformation:*

- Name and address of hauler

- Permit number

- Name and signature of driver

c. *Receiver information:*

- Name and physical address of facility

- Permit number

- Volume of waste received

- Date and time waste was received

- Signature of authorized representative

(Ord. of 2-15-2006, § 3.5)

Secs. 74-246--74-260. Reserved.

DIVISION 4.

WASTEWATER DISCHARGE PERMIT APPLICATION

Sec. 74-261. Wastewater analysis.

When requested by the pretreatment coordinator, a user must submit information on the nature and characteristics of its wastewater within 60 days of the request. The pretreatment coordinator is authorized to prepare a form for this purpose and may periodically require users to update this information.
(Ord. of 2-15-2006, § 4.1)

Sec. 74-262. Wastewater discharge permit requirement.

(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the pretreatment coordinator, except that a significant industrial user that has filed a timely application pursuant to section 74-263 may continue to discharge for the time period specified therein.

(b) The pretreatment coordinator may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and will subject the wastewater discharge permittee to the sanctions set out in divisions 10 through 12 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
(Ord. of 2-15-2006, § 4.2)

Sec. 74-263. Wastewater discharge permitting: Existing connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the pretreatment coordinator for a wastewater discharge permit in accordance with section 74-265, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the pretreatment coordinator.
(Ord. of 2-15-2006, § 3.4)

Sec. 74-264. Wastewater discharge permitting: New connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 74-265, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.
(Ord. of 2-15-2006, § 4.4)

Sec. 74-265. Wastewater discharge permit application contents.

All users required to obtain a wastewater discharge permit must submit a permit application supplied by the city. The pretreatment coordinator may require all users to submit as part of an application the following information:

(a) All information required by subsection 74-301(b);

(b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(c) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(d) Each product produced by type, amount, process or processes, and rate of production;

(e) Type and amount of raw materials processed (average and maximum per day);

(f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(g) Time and duration of discharges; and

(h) Any other information as may be deemed necessary by the pretreatment coordinator to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
(Ord. of 2-15-2006, § 4.5)

Sec. 74-266. Application signatories and certification.

All wastewater discharge permit applications and user reports must contain the following certification statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Permit application and user report certification statements must be signed as follows:

(1) By a responsible corporate officer, defined as follows: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (ii) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000.00 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) By a general partner or sole proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively;

(3) By a duly authorized representative of the individual designated in subsections (1) and (2) above if:

(i) The authorization is made in writing by the individual described in subsections (1) and (2) above;

(ii) The authorization specifies either an individual or position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator or a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental affairs for the company; and

(iii) The authorization is submitted to the city.

(Ord. of 2-15-2006, § 4.6)

Sec. 74-267. Wastewater discharge permit decisions.

The pretreatment coordinator will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the pretreatment coordinator will determine whether or not to issue a wastewater discharge permit. The pretreatment coordinator may deny any application for a wastewater discharge permit for just cause.
(Ord. of 2-15-2006, § 4.7)

Secs. 74-268--74-280. Reserved.

DIVISION 5.

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

Sec. 74-281. Wastewater discharge permit duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the pretreatment coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.
(Ord. of 2-15-2006, § 5.1)

Sec. 74-282. Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the pretreatment coordinator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with section 74-285, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the pretreatment coordinator to ensure compliance with this article, and state and federal laws, rules, and regulations.

(Ord. of 2-15-2006, § 2.1)

Sec. 74-283. Wastewater discharge permit appeals.

The pretreatment coordinator shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the pretreatment coordinator to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(d) If the pretreatment coordinator fails to act within 60 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the appropriate court within the legal designated statute of limitations.

(Ord. of 2-15-2006, § 5.3)

Sec. 74-284. Wastewater discharge permit modification.

The pretreatment coordinator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(e) Violation of any terms or conditions of the wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(h) To correct typographical or other errors in the wastewater discharge permit; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(Ord. of 2-15-2006, § 5.4)

Sec. 74-285. Wastewater discharge permit transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days' advance notice to the pretreatment coordinator and the pretreatment coordinator approves the wastewater discharge permit transfer. The notice to the pretreatment coordinator must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Ord. of 2-15-2006, § 5.5)

Sec. 74-286. Wastewater discharge permit revocation.

The pretreatment coordinator may revoke a wastewater discharge permit for good cause, including, but

not limited to, the following reasons:

(a) Failure to notify the pretreatment coordinator of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the pretreatment coordinator of changed conditions pursuant to section 74-285;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the pretreatment coordinator timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
(Ord. of 2-15-2006, § 5.6)

Sec. 74-287. Wastewater discharge permit reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 74-265, a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.
(Ord. of 2-15-2006, § 5.7)

Sec. 74-288. Regulation of waste received from other jurisdictions.

(a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the pretreatment coordinator shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by subsection (a), above, the pretreatment coordinator shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the pretreatment coordinator may deem necessary.

(c) An intermunicipal agreement, as required by subsection (a), above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in section 74-224. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the pretreatment coordinator; and which of these activities will be conducted jointly by the contributing municipality and the pretreatment coordinator;

(4) A requirement for the contributing municipality to provide the pretreatment coordinator with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the pretreatment coordinator access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the pretreatment coordinator; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal

agreement.
(Ord. of 2-15-2006, § 5.8)

Secs. 74-289--74-300. Reserved.

DIVISION 6.

REPORTING REQUIREMENTS

Sec. 74-301. Baseline monitoring reports.

(a) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the pretreatment coordinator a report which contains the information listed in subsection (b), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the pretreatment coordinator a report which contains the information listed in subsections (b)(1) through (5), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measurement of pollutants.*

a. The categorical pretreatment standards applicable to each regulated process.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the pretreatment coordinator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance

with procedures set out in section 74-310.

c. Sampling must be performed in accordance with procedures set out in section 74-311.

(6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 74-302.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 74-266.

(Ord. of 2-15-2006, § 6.1)

Sec. 74-302. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection 74-301(b)(7):

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine months;

(c) The user shall submit a progress report to the pretreatment coordinator no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine months elapse between such progress reports to the pretreatment coordinator.

(Ord. of 2-15-2006, § 6.2)

Sec. 74-303. Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the pretreatment

coordinator a report containing the information described in subsections 47-301(b)(4) through (6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 74-266.
(Ord. of 2-15-2006, § 6.3)

Sec. 74-304. Periodic compliance reports.

(a) Both categorical industrial users and significant industrial users shall, at a frequency specified by the user's permit, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and local permit limits and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 74-266.

(b) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the pretreatment coordinator, using the procedures prescribed in section 74-311, the results of this monitoring shall be included in the report.
(Ord. of 2-15-2006, § 6.4)

Sec. 74-305. Reports of changed conditions.

Each user must notify the pretreatment coordinator of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

(a) The pretreatment coordinator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 74-265.

(b) The pretreatment coordinator may issue a wastewater discharge permit under section 74-267 or modify an existing wastewater discharge permit under section 74-284 in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 30 percent or greater, and the discharge of any previously unreported pollutants.

(d) The city reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by the industrial users where such contributions

do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.

(Ord. of 2-15-2006, § 2.1)

Sec. 74-306. Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the pretreatment coordinator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five days following such discharge, the user shall, unless waived by the pretreatment coordinator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(Ord. of 2-15-2006, § 6.6)

Sec. 74-307. Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the pretreatment coordinator as the pretreatment coordinator may require.

(Ord. of 2-15-2006, § 6.7)

Sec. 74-308. Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must verbally notify the pretreatment coordinator within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the pretreatment coordinator within 30 days after becoming aware of the violation. The pretreatment coordinator has the authority to waive resampling requirements if the pretreatment coordinator monitors the wastewater discharge at the user's facility at least once a month, or if the pretreatment coordinator samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. of 2-15-2006, § 6.8)

Sec. 74-309. Notification of the discharge of hazardous waste.

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge

into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 74-305. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 74-301, 74-303, and 74-304.

(b) Dischargers are exempt from the requirements of subsection (a), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the pretreatment coordinator, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.
(Ord. of 2-15-2006, § 6.9)

Sec. 74-310. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
(Ord. of 2-15-2006, § 6.10)

Sec. 74-311. Sample collection.

(a) Except as indicated in subsection (b), below, the user must collect wastewater samples using

flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the pretreatment coordinator may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
(Ord. of 2-15-2006, § 6.12)

Sec. 74-312. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
(Ord. of 2-15-2006, § 6.13)

Sec. 74-313. Record keeping.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; preservative used to protect the samples; and the results of such analyses. Also, a chain-of-custody record should be maintained that records the signatures of all persons handling the samples, date and time that samples changed hands, type of samples collected, and security measures employed such as sealed containers, etc. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the city.
(Ord. of 2-15-2006, § 6.13)

Secs. 74-314--74-330. Reserved.

DIVISION 7.

COMPLIANCE MONITORING

Sec. 74-331. Right of entry: Inspection and sampling.

The city shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security

guards so that, upon presentation of suitable identification, the city will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The city shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The pretreatment coordinator may require the user to install monitoring manholes and/or equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the city and shall not be replaced. The costs of clearing such access shall be born by the user.

(e) Unreasonable delays in allowing the city access to the user's premises shall be a violation of this article.

(Ord. of 2-15-2006, § 7.1)

Sec. 74-332. Search warrants.

If the city has been refused access to a building, structure, or property, or any part thereof, and 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 of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the city may seek issuance of a search warrant to enter the facility. (Ord. of 2-15-2006, § 2.1)

Secs. 74-333--74-340. Reserved.

DIVISION 8.

CONFIDENTIAL INFORMATION

Sec. 74-341. Availability of information to public.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the city's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the pretreatment coordinator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the

person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.
(Ord. of 2-15-2006, § 8)

Secs. 74-342--74-350. Reserved.

DIVISION 9.

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

Sec. 74-351. Published annually.

The city shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other discharge violation that the pretreatment coordinator believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s) which the pretreatment coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. of 2-15-2006, § 9)

Secs. 74-352--74-360. Reserved.

DIVISION 10.

ADMINISTRATIVE ENFORCEMENT REMEDIES

Sec. 74-361. Notification of violation.

When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the pretreatment coordinator may serve upon that user a written notice of violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the pretreatment coordinator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
(Ord. of 2-15-2006, § 10.1)

Sec. 74-362. Consent orders.

The city may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to sections 74-364 and 74-365 and shall be judicially enforceable.
(Ord. of 2-15-2006, § 10.2)

Sec. 74-363. Show cause hearing.

The city may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the city manager to show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
(Ord. of 2-15-2006, § 10.3)

Sec. 74-364. Compliance orders.

When the city finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the

city may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
(Ord. of 2-15-2006, § 10.4)

Sec. 74-365. Cease and desist orders.

When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the city may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(a) Immediately comply with all requirements; and

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
(Ord. of 2-15-2006, § 10.5)

Sec. 74-366. Administrative fines.

(a) When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may fine such user in an amount not to exceed $1,000.00 per day. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of ten percent of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(c) Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the city will hear the matter at a regular or called council meeting. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any

other action against the user.
(Ord. of 2-15-2006, § 10.6)

Sec. 74-367. Emergency suspensions.

The city may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the city may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The city may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings in section 74-368 are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the pretreatment coordinator prior to the date of any show cause or termination hearing under sections 74-363 or 74-368.

Nothing in this division shall be interpreted as requiring a hearing prior to any emergency suspension under this division.
(Ord. of 2-15-2006, § 10.7)

Sec. 74-368. Termination of discharge.

In addition to the provisions in section 74-286, any user who violates the following conditions is subject to discharge termination:

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

(e) Violation of the pretreatment standards in division 2.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 74-363 why the proposed action should not be taken. Exercise of this option by the city shall not be a bar to, or a prerequisite for, taking any other action against the user.
(Ord. of 2-15-2006, § 10.8)

Secs. 74-369--74-380. Reserved.

DIVISION 11.

JUDICIAL ENFORCEMENT REMEDIES

Sec. 74-381. Injunctive relief.

When the city finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city may petition the county of proper jurisdiction through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
(Ord. of 2-15-2006, § 11.1)

Sec. 74-382. Civil penalties.

(a) A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of not less than $1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The city may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
(Ord. of 2-15-2006, § 11.2)

Sec. 74-383. Criminal prosecution.

(a) A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000.00 per violation, per day, or imprisonment for not more than 180 days, or both.

(b) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000.00, or be subject to imprisonment for not more than 180 days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than $1,000.00 per violation, per day, or imprisonment for not more than 180 days, or both.

(d) In the event of a second conviction, a user shall be punished by a fine of not more than $1,000.00 per violation, per day, or imprisonment for not more than 180 days, or both.
(Ord. of 2-15-2006, § 11.3)

Sec. 74-384. Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The city may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city may take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user.
(Ord. of 2-15-2006, § 11.4)

Secs. 74-385--74-400. Reserved.

DIVISION 12.

SUPPLEMENTAL ENFORCEMENT ACTION

Sec. 74-401. Performance bonds.

The pretreatment coordinator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the city to be necessary to achieve consistent compliance.
(Ord. of 2-15-2006, § 12.1)

Sec. 74-402. Water supply severance.

Whenever a user has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated to the city its ability to comply.
(Ord. of 2-15-2006, § 12.2)

Sec. 74-403. Public nuisances.

A violation of any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the pretreatment coordinator. Any person(s) creating a public nuisance shall be subject to the provisions of local regulations governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.
(Ord. of 2-15-2006, § 12.3)

Secs. 74-404--74-410. Reserved.

DIVISION 13.

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 74-411. Upset.

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (c), below, are met.

(c) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the pretreatment coordinator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

a. A description of the indirect discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
(Ord. of 2-15-2006, § 13.1)

Sec. 74-412. Prohibited discharge standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in subsection 74-221(a) or the specific prohibitions in subsections 74-221(b)(3) through (b)(7) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
(Ord. of 2-15-2006, § 13.2)

Sec. 74-413. Bypass.

(a) For the purposes of this section,

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (c) and (d) of this section.

(c) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the pretreatment coordinator, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the pretreatment coordinator of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The pretreatment coordinator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) (1) Bypass is prohibited, and the city may take an enforcement action against a user for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under subsection (c) of this section.

(2) The pretreatment coordinator may approve an anticipated bypass, after considering its adverse effects, if the pretreatment coordinator determines that it will meet the three conditions listed in subsection (d)(1) of this section.

(Ord. of 2-15-2006, § 13.3)

Secs. 74-414--74-420. Reserved.

DIVISION 14.

WASTEWATER TREATMENT RATES

Sec. 74-421. Establishment of high strength wastewater.

All users discharging "high strength" wastewater into the city wastewater system shall be assessed a monetary surcharge, in addition to the normally required sewer use charges, in an amount to be calculated as shown below. The surchargable parameters shall be determined by the utilization of the sampling and testing procedures as provided in section 74-423 hereafter. A "high strength" wastewater is defined as wastewater which contains pollutant concentrations that exceed the following surcharge threshold concentrations:

Parameter	Surcharge Threshold
BOD	300 mg/L
TSS	200 mg/L
Ammonia	35 mg/L

(Ord. of 2-15-2006, § 14.1)

Sec. 74-422. Fees for high strength wastewater.

When the concentrations of the surcharged parameters shown above exceed the values of the constituents as set forth in subsection 74-421(a), above, the excess concentrations shall be subject to a surcharge in the amount derived in accordance with the following formula:

P G 8.34 C/1000 = $/month

Where:

"P" is equal to the average concentration in mg/l of the parameter being evaluated (BOD or TSS) as established in accordance with section 74-423. The surcharge is for pollutants in excess of the amounts established by the city in accordance with section 74-425.

"G" is equal to the user's monthly water consumption in thousands of gallons as determined in accordance with section 74-424.

"8.34" is a conversion factor.

"C" is equal to the unit cost in dollars per pound ($/lb) for the treatment of the surcharged parameters. This value shall be established by the city and revised from time to time as necessary in accordance with section 74-425. The initial value of C shall be $0.25/lb of BOD and TSS and $0.45/lb of ammonia.

(Ord. of 2-15-2006, § 14.2)

Sec. 74-423. Quantitative measurement of surchargable parameters.

The measurement of the surcharge parameters shall be conducted as follows:

(1) Unless a user has indicated on the wastewater permit application, or otherwise demonstrated that seasonal or otherwise predictable fluctuations may occur, the city shall sample and test the user once per year, except that the duration of the sampling to determine surcharges shall be for a period of not less than three calendar days. Procedures regarding collection of "representative" samples are provided in subsections (5) and (6) hereafter.

(2) A 24-hour composite sample shall be collected over three consecutive days. Samples shall be taken in increments of not more than one hour, properly refrigerated and composited in proportion to the flow for a representative sample. If a flow monitoring structure is available, or required by the city, flow-weighted samples may be collected in lieu of time-weighted samples.

(3) All wastewater monitoring samples required by the city shall be tested by an independent laboratory using acceptable procedures in accordance with 40 CFR 136.

(4) The city need not provide any prior notice to the industry with regard to the sampling period.

(5) The city may sample the user as often as desired at the city's expense if, in the opinion of the city, representative samples have not been previously obtained.

(6) If in the opinion of the user, the samples taken by the city are not representative of the user's typical wastewater, then the user may request a resampling. At the user's request, the city shall grant the user not more than two resamplings per year. All user requested resampling shall be done at the user's expense. A reasonable cost shall be charged to the user by the city therefore.

(7) The surcharge rate shall be established based on an average concentration for each surchargeable parameter identified in accordance with subsection (1) through (6) of this section. The average concentration will be used in the formula in section 74-422 above. Surcharge rates per unit mass will be established in accordance with section 74-425 below.

(Ord. of 2-15-2006, § 14.3)

Sec. 74-424. Determination of wastewater volume.

Unless otherwise provided, the volume of wastewater delivered to the POTW will be based upon the quantity of water purchased from and metered by the city. If the volume of water delivered to the POTW is greater or less than the volume purchased from the city, the user shall make known to the city such differences. If differences do exist, it shall be the obligation of the user to install city approved meters or other devices to determine the portion or quantity of wastewater delivered to the POTW. At locations readily accessible for meter reading by the city, separate water meters installed in the city right-of-way are preferred for measuring non-sewered consumptive water usage. The city may consider establishing a constant ratio, factor, or percentage to be applied to the metered water quantity delivered by the water industry. Determining, as well as justifying, the factor to the city will be the responsibility of the user. The value of this factor may be periodically reviewed for accuracy by the city. Other methods may be established by the city to estimate the quantity of wastewater released to the sanitary sewer which considers the amount of water consumed during different seasons. Users that claim wastewater volumes to be inaccurately determined by these methods shall bear the expense of installing city approved meters to estimate flows to the POTW more accurately.
(Ord. of 2-15-2006, § 14.4)

Sec. 74-425. Authority to collect fees.

The city has the authority to collect fees and surcharges necessary to implement this SUO. The city shall elsewhere maintain a list of fees and surcharges required under the terms of this SUO. Limits and fees may be

modified from time to time and may change without notice to users. This list shall be available for review or copying from city hall, the utility director, or the pretreatment coordinator upon written request.
(Ord. of 2-15-2006, § 14.5)

Secs. 74-426--74-440. Reserved.

DIVISION 15.

MISCELLANEOUS PROVISIONS

Sec. 74-441. Pretreatment charges and fees.

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications;

(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

(c) Fees for reviewing and responding to accidental discharge procedures and construction;

(d) Fees for filing appeals; and

(e) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties chargeable by the city.

(Ord. of 2-15-2006, § 15.1)

Chapters 75--77

RESERVED

Chapter 78

VEHICLES FOR HIRE*
(RESERVED)

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* **Cross References:** Buildings and building regulations, ch. 18; businesses, ch. 22; streets, sidewalks and other public places, ch. 62; taxation, ch. 66; traffic and vehicles, ch. 70.

APPENDIX A

ZONING ORDINANCE*

* **Editors Note:** Printed herein is the city's zoning ordinance, as adopted by the city council on October 8, 1992. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets. The term "mobile home" has been changed to "manufactured home."

Cross References: Planning commission, § 2-121 et seq.; downtown development authority, § 2-146 et seq.; alcoholic beverages, ch. 6; buildings and building regulations, ch. 18; businesses, ch. 22; environment, ch. 38; signs, ch. 54; solid waste, ch. 58; streets, sidewalks and other public places, ch. 62; utilities, ch. 74; zoning ordinance amendment procedures, app. B; manufactured home regulations, app. C.

Authority to adopt plans and exercise the power of zoning, Ga. Const. art. 9, sec. 2, par. 4; the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.

ARTICLE I.

PREAMBLE AND ENACTMENT CLAUSE

Pursuant to the authority conferred by the laws and constitution of the State of Georgia, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the City of Royston and the State of Georgia, including among other purposes the lessening of congestion in the streets; securing safety from fire, panic, and other dangers; promoting health and the

general welfare; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage service, schools, parks, and other public requirements; reducing flood damage to persons and property; promoting such distribution of population and such classification of land uses and distribution of land uses and distribution of land development and utilization as will tend to facilitate and promote desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings, and encouraging the most appropriate use of land and other buildings and structures throughout the City of Royston, the city council does hereby ordain and enact into law the following articles and sections:

ARTICLE II.

[TITLE]

These regulations shall be known and may be cited as the "Zoning Ordinance of the City of Royston, Georgia."

ARTICLE III.

DEFINITION OF TERMS USED IN ORDINANCE

Section 301. Definitions.

When used in this ordinance, the following words and phrases shall have the meaning given in this article. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

The word "person" includes a firm, corporation, copartnership, association, or institution. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

1. *Accessory use or building:* A subordinate use or building customarily incidental to and located on the same lot with the principal use or building, provided that such a building does not exceed the square footage of the primary building by 30%.

2. *Agriculture:* The cultivation or growth of a field or horticultural crop, including farm forestry, and other similar enterprises or uses are permitted. Dairying, livestock and poultry raising and other similar enterprises are excluded.

3. *Alleys:* A private or public thoroughfare which affords only a secondary means of access to a building or property and not intended for general traffic circulation.

4. *Alteration:* Any change in the supporting members of a building, any modification or change in construction, any addition which increases the area or height, any change in use from that of one

district classification to another, or movement of a building from one location to another.

5. *Apartment house:* A multifamily dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises.

6. *Billboard:* Outdoor advertising or off-premises signs.

7. *Building:* Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built or used as a shelter or enclosure for persons, animals, or property of any kind, including tents, awnings, or vehicles used for purposes of a building.

8. *Building line:* A line formed by the face of a building, and, for the purposes of this ordinance, a minimum building line is the same as a front setback line.

9. *Building, principal:* A building in which is conducted the main use of the property on which the structure is located.

10. *Centerline of street:* That line surveyed and monumented by the governing body and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs or ditches of such street.

11. *The City of Royston zoning administrative officer:* That representative or representatives appointed by the Royston city council and assigned the responsibility for administering this ordinance. The office of the administrative officer shall act as staff to the planning commission and shall be given full responsibility for receiving applications, fees, and filings from developers and citizens and shall report to the planning commission as to the status of various proposals.

12. *Condominium:* A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

13. *Dwelling:* A building designed or used as living quarters for one or more families.

14. *Dwelling unit:* A dwelling or portion thereof providing facilities for one or more persons living as a single housekeeping unit, not including mobile homes.

15. *Home occupation:* An occupation for gain or support conducted only by members of a family residing on the premises and conducted entirely within the dwelling.

16. *Lot:* A parcel of contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where severance creates any nonconforming use or structure.

17. *Lot width:* The distance between the side lot lines measured at the front building line.

18. *Major artery:* Any route designated as an interstate route or connector, as a state or federal route, or any four-lane street or road, or any avenue, street, or road designated as a major artery by the Royston planning commission and shown as such on the official zoning map.

19. *Manufactured home:* A transportable structure, equipped or used for residential purposes, constructed to be towed on its own chassis and suitable for yearround occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing. It can consist of one or more units that can be telescoped when towed and expanded later prior additional capacity, or two or more units separately towable but designed to be joined into one integral unit at the site with requirements for only incidental utility hookups, excluding motorized homes.

20. *Manufactured home park:* A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for residential use for gain, including land, buildings, and facilities used by the occupants of manufactured homes on such property.

21. *Multifamily dwelling:* A structure designed or used for residential occupancy by more than two housekeeping units, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, roominghouses, boardinghouses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types, but not including motels, hotels, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

22. *Natural protective barriers:* Any natural formation, such as a land swell, bench, berm, tree line, ridge, saddle dike or sandbar, which effectively controls or limits flooding or assists in confining a specific floodprone area.

23. *Nonconforming use:* A building or land lawfully occupied by a use at the effective date of this ordinance which does not conform with the use regulations of the district in which it is located.

24. *Nursing home:* Any building or dwelling where persons are housed or lodged and furnished with meals and nursing care for hire, but not including hospitals and mental health institutions.

25. *On-site construction:* Construction, by conventional means, of a dwelling unit on the site where it is to be occupied. This form of construction may include prefabrication of certain building components as well as penalized [sic] construction of walls but should not be interpreted to include the on-site assemblage of modular units or incidental hookups associated with manufactured homes. The extent to which prefabrication is permitted shall be determined by the planning and zoning administrator with approval by the planning commission and the Royston city council.

26. *Planned unit development (PUD):* A zoning device by which clustered housing, other unusual arrangements of buildings or a mixture of uses may be permitted by special approval in a district in which such development would not ordinarily be allowed. A site plan must be submitted, and the approved site plan becomes part of the restrictions.

27. *Planning commission:* The City of Royston planning commission.

28. *Premises:* A lot as otherwise used in this ordinance.

29. *Public highways:* Roads in state or county highway system.

30. *Setback:* The minimum horizontal distance between the property boundary lines of a lot and the front, rear, or side lines of a building located on that lot.

31. *Sign:* Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including the flag of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, educational, or similar organization; standard house numbers, lettering on mailboxes, or similar identification not exceeding two square feet in area.

32. *Sign, attached:* Attached signs include wall, projecting and marquee signs as defined below:

    (a) *Wall sign:* A sign attached to or painted on the exterior wall of a building with no part of the sign projecting more than 12 inches from the building wall to which it is affixed.

    (b) *Projecting sign:* A sign, affixed to the exterior wall of a building, any part of which extends more than 12 inches beyond the building wall.

    (c) *Marquee sign:* A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building wall, building line, or property line of the premises on which it is located.

33. *Sign, on-premises advertising:* A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

34. *Sign area:* The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem, or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, any blank rectangular area which consists of ten percent or more of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing order, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

35. *Special exception uses:* Uses of specific parcels that may be permitted upon application and approval by the city council following very thorough consideration of their impact on or subjectivity to flood damages.

36. *Street:* A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property.

37. *Structural bearing capacity:* The capacity of any given soil or fill material to support a foundation for any given structure without sinking or sliding.

38. *Structural floodproofing:* The use of insulating or watertight security of that portion of a structure subject to flooding in such a manner as to prevent water from seeping into or otherwise causing damage to the structure.

39. *Structure:* Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles.

40. *Use:* Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure on a tract of land.

41. *Yard:* A space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

42. *Yard, front:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

43. *Yard, rear:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

44. *Yard, side:* An open, unoccupied space on the same lot with a main building, situated between the building and side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE IV.

ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

Section 401. Use districts.

For the purpose of this ordinance, the City of Royston is hereby divided into use districts as set out

below:

1. Single-family residential (R-I)
2. Multifamily residential (R-II)
3. Planned unit development (PUD)
4. Central business district (CBD)
5. Neighborhood shopping (NS)
6. Highway business (HB)
7. Restricted industrial (M-I)
8. Heavy industrial (M-II)
9. Agricultural (A) [(A-I)]

Section 402. District boundaries.

The location and boundaries of the above-listed districts are hereby established as shown on a map entitled Official Zoning Map of the City of Royston, Georgia. Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bear the seal of the city or that of a notary public under the following words: "This is to certify that this is the Official Zoning Map referred to in Article IV of the Zoning Ordinance, City of Royston, Georgia," together with the date of the adoption of the ordinance.

If, in accordance with the provisions of this ordinance and the laws and constitution of the State of Georgia, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council, with an entry on the official zoning map as follows: "On (date), by official action of the City Council, the following change (or changes) were made in the Official Zoning Map: (brief description of change)," which entry shall be signed by the mayor and attested by the city clerk. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city manager, City of

Royston, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

Section 403. Official zoning map.

The official zoning map of the City of Royston, Georgia, is hereby designated as section 403 of this ordinance.

Section 404. Replacement of official zoning map.

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city council may adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bear the seal of the city or a notary public under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as Section 403 of the Zoning Ordinance of the City of Royston, Georgia."

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved for a period of seven years, together with all available records pertaining to its adoption or amendment.

Section 405. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts shown on the official zoning map, the following rules shall apply:

405.1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such centerlines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.

405.2. Where district boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.

405.3. Where district boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended shall be construed to be such boundaries.

405.4. Where district boundaries are indicated as approximately following the centerline of stream beds or river beds, such centerlines or such lines extended shall be construed to be such boundaries.

405.5. Where district boundaries are indicated as 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.

Section 406. District boundary line divides a lot of single ownership.

Where a district boundary line as appearing on the zoning map divides a lot in single ownership at the time of the enactment of these regulations, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot provided that such extension shall not include any part of such lot more than 35 feet beyond the district boundary line and provided further that this provision shall not apply to a through lot. In the case of a through lot, the restrictions of the district applying to the adjoining lots which front on the same street as the lot frontage in question shall apply.

ARTICLE V.

GENERAL PROVISIONS

Section 501. Zoning affects every building and use.

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, and without first obtaining a building or occupancy permit, except as hereinafter provided. In the enforcement of the provisions of this ordinance the administrative officer may withhold building or occupancy permits until all provisions of this ordinance are complied with or his decision is rescinded by the board of zoning appeals.

Section 502. Continuance of a nonconforming use.

Any structure or use of land existing at the time of the enactment or subsequent amendment of this ordinance not in conformity with its use regulations and provisions, may be continued with the following limitations. It shall not be:

502.1. Changed to another nonconforming use.

502.2. Extended except that the structure or use in its entirety be in conformance with this ordinance.

502.3. Reestablished after discontinuance for 12 months.

502.4. Rebuilt, altered or repaired after damage exceeding 50 percent of the fair sales value of the building immediately prior to damage.

All nonconforming manufactured homes existing in the City of Royston at the time of adoption of this ordinance may be replaced with another manufactured home if it meets all aspects of the current ordinance.

Section 503. Only one principal building on any lot.

Only one principal building and its customary accessory buildings may hereafter be erected on any lot, except for multifamily buildings and townhouses. In districts approved for manufactured homes on individual

lots, the lot size shall be that which is specified for single-family detached dwellings in the same district or in the Royston Manufactured Home Ordinance [appendix C to this Code] with the larger specification prevailing.

Section 504. Reduction of lot area prohibited.

No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this ordinance are not maintained.

Section 505. Street access.

No building shall be erected on a lot which does not abut or have access to a publicly dedicated or maintained street.

Section 506. Off-street automobile parking and storage.

Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established, except in cases where no parking space can be reasonably provided on the same lot, such space shall be provided on any lot, a substantial portion of which is within 400 feet of the use it serves. The required parking space for any number of separate uses may be combined on one lot, but the required space assigned to one use may not be assigned to another use at the same time; except that one-half of the parking space required for churches, theaters, assembly halls, or similar uses where peak attendance will be at night or on Sundays, may be used to augment parking for adjacent day use activities. Maneuvering space shall be provided (except for single-family residences) to prevent any vehicle from backing into the street. Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; and shall be equal in number to at least the minimum requirements for the specific use set forth below. When application of said provision results in a fractional space requirement, it shall be construed to mean one additional space.

Use Classification	Parking Space Requirement
Automobile sales and repair	One space for each two employees at maximum employment on a single shift, plus two spaces for each 300 square feet of repair or maintenance spaces.
Bowling alleys	Two spaces for each alley, plus one additional space for each employee.
Churches	One space for every five seats.
Elementary schools and junior high schools, both public and private	One space for each classroom and administrative office.
Filling station	Two spaces for each gas pump plus three spaces for each grease rack or similar facility.

Hospitals	One space for every two patient beds plus one space for each staff or visiting doctor, plus one space for every three employees, including nurses.
Mortuary or funeral home	One space for every four seats in the assembly room or chapel.
Motels, tourist homes or hotels	One space for each accommodation, plus one additional space for every two employees.
Places of public assembly including private clubs, lodges, and fraternal buildings not providing overnight accommodations, auditoriums, dancehalls, pool rooms, theaters, stadiums, gymnasiums, amusement parks, community centers, libraries, museums, and all similar places of public assembly	One space for every 100 square feet provided for patrol use or ground area used for amusement or assembly, but not containing fixed seats. One parking space for each four seats shall be provided for places of assembly containing fixed seats.
Rooming and boarding houses	One space for each guestroom, plus one additional space for the owner, if resident on the premises.
Residential dwellings	Two spaces for each dwelling unit, except that no more than one space per dwelling shall be required in multifamily public housing units intended for occupancy by the elderly.
Restaurants	One space for every four seats plus one space for every four employees.
Beauty shops	One space for each dryer, plus one space for each employee.
Retail business	One space for every 200 square feet of total floor area.
Sanitariums, rest/convalescent homes, homes for the aged, and similar institutions	One space for every six patient beds, plus one space for each staff or visiting doctor, plus one space for every four employees.
Senior high schools, both public and private	One space for every ten pupils for which the space was designed, plus one space for each classroom and administrative office.

Wholesaling, warehousing, and industrial uses	One space for every two employees at maximum employment on a single shift.

Section 507. Off-street loading and unloading spaces.

Every building or structure used for business, trade, or industry hereafter erected, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley, or, if there is no alley, to a street. For the purpose of this section, off-street loading spaces shall have minimum dimensions of 12 feet by 60 feet and an overhead clearance of 14 feet above the alley or street grade.

507.1. Retail business, except home occupations: The number of spaces required to provide off-street loading adequate for the type of business involved. All plans must be approved by the administrative officer.

507.2. Wholesale and industry: The number of spaces required to provide off-street loading adequate for type of activity involved subject to approval by the administrative officer.

507.3. Terminal facilities for trucks, buses, or railroads: One space for each bus or truck to be stored, loaded, or unloaded at the terminal at any one time. Plans must be approved by the administrative officer.

ARTICLE VI.

REGULATIONS OF SIGNS

Refer to City of Royston Sign and Billboard Ordinance [chapter 54, Code of Ordinances].

ARTICLE VII.

USE REQUIREMENTS FOR RESIDENTIAL DISTRICTS

Section 701. Single-family residential (R-I) district.

Purpose: It is the intent of this section to establish and preserve quiet, single-family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district.

701.1. Within an R-I district, the following uses shall be permitted:

1. Single-family, detached dwellings except manufactured homes, travel trailers used as residences, and doublewide manufactured homes.

2. Home gardens and noncommercial greenhouses.

3. No livestock or poultry shall be permitted in an R-I district.

4. Incidental and accessory use signs as set out in article VI.

5. Accessory uses and customary home occupations conducted within a principal building by persons residing on the premises, provided that not more than 30 percent of the floor area of the principal building shall be used for such purpose, that automobile repair facilities shall be excluded, and that sufficient off-street parking shall be provided so that traffic can be handled without hazard or undue congestion in the neighborhood. Where noise is generated, an appropriate noise-resistant fence or combination fence/green buffer area shall be established.

6. Accessory buildings, provided such shall be permitted only in a rear yard or side yard and shall be not less than 15 feet from any property line. Where the rear yard abuts a street, no accessory building shall be closer to the rear lot line than the required front setback for the district. Accessory buildings shall be limited to one per lot and shall not exceed the primary building by more than 30% of the floor space.

7. Public and semipublic uses as follows:

    a. Churches and their related religious activities, provided that any primary use building shall be located at least 50 feet from any property line and that required off-street parking be separated from any property line by an 80% opaque fence at least five feet high or a densely planted buffer strip at least ten feet wide, as approved by the administrative officer.

    b. Public or private schools offering general education courses.

    c. Community buildings operated by a public agency.

    d. Kindergartens, nursery schools, or day care centers, provided that at least 100 square feet of outdoor play area is provided for each child and the outdoor play area shall be enclosed by an 80% opaque fence having a height of at least five feet.

    e. Parks, playgrounds, and golf courses, except commercial amusement parks, miniature golf courses or driving ranges operated for commercial purposes.

    f. Utility company facilities necessary for the convenience and general welfare of the public such as telephone exchanges, pumphouses, transformer substations, pressure reducers, cable easements, etc. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper fencing, shall be suitably landscaped, and the storage of vehicles and equipment on the premises shall be prohibited.

701.2. In R-I districts all new and expanded public and semipublic uses and all home

occupations shall be approved by the city council following receipt of a recommendation of the planning commission concerning:

1. Whether or not traffic can be handled without hazard or undue congestion in the neighborhood; and

2. When noise will be generated that appropriate provisions for impervious fences, combination fence/green buffer area, or other effective and acceptable noise-dampening measures have been taken.

701.3. Conditional uses permitted subject to the approval of the planning commission and the city council:

1. Professional offices to the extent of one professional person per 3,000 square feet of lot area. (Ord. of 5-11-2010, § 1)

Section 702. Multifamily residential (R-II) district.

Purpose: It is the intent of this section to establish and preserve medium density residential districts offering a wide choice of housing types, excluding uses which are not compatible with residential use but permitting certain nonresidential uses which are of particular convenience to the residents of the district.

Within an R-2 district, the following uses shall be permitted:

1. Any use permitted in R-I subject to the same conditions.

2. Two-family and multifamily dwellings including apartments and condominiums but not motels and hotels.

3. Townhouses, also called row houses.

4. Professional offices to the extent of one professional person per 5,000 square feet of lot area.

5. Manufactured homes in manufactured home parks, subject to the regulations set forth in the Manufactured Home Ordinance for Royston, Georgia [appendix C to this Code] but excluding tourist accommodations for travel trailers, motorized homes, and recreational vehicles. No manufactured home built prior to June 1976, will be permitted in the city limits of Royston. This includes manufactured homes used as storage buildings or any other uses.

6. Manufactured homes on individual lots subject to the regulations set forth in the Manufactured Home Ordinance for Royston, Georgia [appendix C to this Code].

7. Rooming or boarding houses.

8. Institutions of a religious, educational, charitable, or philanthropic nature, but not a penal institution.

9. Private clubs, fraternities, sororities, dormitories, excepting those the chief activity of which is a service customarily carried on as a business.

10. Nursing or convalescent homes.

11. Accessory buildings or uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a business, including a storage garage on a lot occupied by a multifamily dwelling or institution.

Section 703. Planned unit development (PUD).

Purpose: It is the intent of this section to:

1. Encourage the development of large tracts of land as planned neighborhoods or communities.

2. Encourage flexible and creative concepts in site planning.

3. Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas.

4. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the ordinance.

5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs.

6. Provide an environment of stable character compatible with surrounding residential areas.

Within the planned area, a variety of land uses may be permitted in an orderly relation to one another and to existing land uses, as well as with due regard to comprehensive planning in the City of Royston.

703.1. Requirements and standards for approval:

1. A planned unit development must contain a minimum area of five contiguous acres.

2. The planning commission and the city council in their review of the proposed development plan shall consider:

   a. The proper relation between the proposed development and surrounding uses, and the effect of the plan upon comprehensive planning for Royston.

   b. The adequacy of existing and proposed streets, water, sewer, electrical, and gas service, and other public facilities to serve the development.

   c. The character, design, and appropriateness of the proposed land uses and their adequacy

to encourage desirable living conditions. To provide separation and screening between uses where desirable to preserve the natural amenities of streams, wooded areas, and similar natural features.

d. The adequacy of open space, play areas, and the recreation facilities provided for the needs of the development.

3. Approval and recommendation of the planning commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed planned unit development will not adversely affect the property adjacent to the area included in the plan.

4. Final approval of a planned unit development shall not be granted until the owner of the property gives written notice of his consent to the proposed development.

703.2. Review and approval procedures:

1. *Preapplication conference:* Prior to filing a formal application for a planned unit development, the applicant is encouraged to confer with the staff of the planning commission in order to review the general character of the plan (on the basis of a tentative land use sketch if available), and to obtain information on projected programs and other matters.

2. *Development plan:*

a. An applicant shall file a petition with the administrative officer for approval of a planned unit development. This application shall be supported by a development plan and a written summary of intent, and shall show the relation between the proposed development and the surrounding area, both existing and proposed.

b. The following information shall be presented:

(1) A general location map.

(2) Existing topographic conditions, including contour intervals of no more than five feet based on field surveys or photogrammetric methods.

(3) The existing and proposed land uses and the approximate location of all buildings and structures.

(4) The approximate location of existing and proposed streets and major thoroughfares.

(5) The approximate location of all existing and proposed utilities, including a preliminary utility and drainage plan.

(6) The present zoning pattern in the area.

(7) A legal description of the subject property.

(8) The location and use of existing and proposed public, semipublic, or community facilities such as schools, parks, and open areas. This will include areas proposed to be dedicated or reserved for community or public use.

(9) Perspective drawings of representative building types except for detached single-family dwellings and their accessory buildings.

(10) If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:

(a) An off-street parking and loading plan.

(b) An economic feasibility report or market analysis.

(c) A traffic study of the area, and a circulation plan within the development and to and from existing streets and thoroughfares.

c. The written statement submitted with the development plan shall include the following information:

(1) A statement of the present ownership of all land within the proposed development.

(2) An explanation of the character of the proposed development, including a summary of acres, dwelling units, and gross density by type of land use. The statement shall include minimum standards for lot size, yard and spacing requirements.

(3) A general statement of the proposed development schedule and progression of unit division of staging.

(4) Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open areas.

d. Approval.

(1) An application for approval of a planned unit development will be considered administratively as a petition for rezoning, and will be subject to the procedures established in article XV of this ordinance concerning amendments.

(2) After a public hearing and receipt of the planning commission's recommendations, the city council shall approve, disapprove, or conditionally

approve the development plan.

(3) If the development plan is approved as submitted, the administrative officer will cause the official zoning map to be changed to indicate the planned unit development. If the plan is approved with modifications, the applicant shall file written notice of consent to the modifications and a properly revised site plan shall be filed with the administrative officer prior to changing the zoning map. The site plan and supporting information of any approved plan shall be properly identified and permanently filed with the administrative officer. No building permits shall be issued until the development plan has been approved by the city council.

3. *Building and occupancy permits:* The administrative officer shall issue building permits for buildings and structures in the area covered by the approved development plan if they are in substantial conformity with the approved development plan, the development schedule, and with all other applicable regulations. He shall issue a certificate of occupancy for any completed building or structure located in the area covered by the approved development plan if they conform to the requirements of the approved plan and all other applicable regulations.

4. *Revision of development plan:* Any major or substantial change in the approved development plan which affects the intent and character of the development, the density of land use pattern, the location or dimensions of streets, or similar substantial changes shall be reviewed and approved by the city council following receipt of recommendations from the planning commission. A request for a revision of the development plan shall be supported by a written statement indicating the nature of the revision and an explanation concerning the necessity or desirability for revising the plan.

5. *Revision of zoning approval:* Approval of the city council shall be in effect for at least a two-year period. However, if no construction has begun within two years after approval of the development plan, or if the applicant fails to maintain the approved development schedule, approval of the development plan shall lapse. At its discretion and for good cause, the city council may extend the period for beginning construction for any phase of the project for one additional year. If the approval of a development plan lapses under this provision, the building or administrative officer shall cause the development to be removed from the official zoning map, file a notice of revocation with the recorded development plan, and reinstate the zoning district and regulations which were in effect prior to approval of the development plan.

703.3. Use, density, and other regulations:

1. *Permitted uses:* The uses permitted within a planned unit development shall be primarily residential in character, and may include the following uses:

a. Single-family detached dwellings.

b. Duplexes and townhouses.

c. Multifamily dwellings.

d. Churches, schools, community or club facilities, and similar public or semipublic facilities, including recreational facilities subject to conditions set out in R-I district concerning such uses.

e. Commercial or retail uses, including offices and clinics provided that they meet the following criteria:

(1) The location is appropriate in relation to other land uses.

(2) The proposed use is designed so that it will primarily serve the planned development.

f. Accessory uses to those listed above.

g. Any form of agriculture or horticulture subject to all other applicable regulations.

h. Accessory and incidental use signs.

2. *Density controls:* The maximum number of dwelling units per acre in residential areas of a planned unit development shall not exceed 5.5 dwelling units per acre. For purposes of this section, density shall be interpreted as the number of dwelling units per gross acre devoted to residential development. Gross acreage shall include, in addition to land area and parcels used primarily for residential purposes, all open spaces including private lakes reserved for common usage within the planned unit development and held under individual, common, or collective ownership. Gross acreage for residential development shall exclude areas reserved or dedicated for street rights-of-way.

3. *Variance to required densities:* The city council may allow a higher overall density, or a higher density of a particular residential use provided the applicant can show that such higher density will not be detrimental to the surrounding neighborhood. The city council shall consider a variance to the required density only on a favorable recommendation from the planning commission.

4. *[Allocation of land area for common open space:]* Land area proposed for common open space may be allocated to detached single-family dwellings, duplexes, townhouses, and multifamily use area in proportion to the ratio of the area of each use to the total area of residential use, provided that open space acreage allocated to a use must be reasonably accessible to that use.

5. *Dimensional and bulk regulations:* The location of all proposed structures shall be shown on the development plan, subject to minimum lot size, setback lines, lot coverage or floor area, specified in the approved plan. The proposed location and arrangement of structures shall not be detrimental to existing or proposed adjacent dwellings or to the development of the neighborhood.

6. *[Protection of privacy:]* Unless topographical or other barriers protect the privacy of existing adjoining uses, the city council, upon recommendation of the planning commission, may impose one or both of the following requirements:

    a. Structures or buildings located at the parameter of the development shall be set back a distance of at least 100 feet to protect the privacy and amenities of adjacent, existing uses.

    b. Structures or buildings located at the parameter of the development shall be permanently screened in a manner which sufficiently protects the privacy and amenities of the adjacent, existing uses.

703.4. Uses permitted subject to the approval of the planning commission and the city council:

1. Manufactured homes and manufactured home parks.

2. Multifamily dwellings.

3. Group camp developments of at least ten acres. Such development may include hotels, apartments, cabins, country clubs, trailer and tent accommodations, commercial boating facilities, and retail sales, providing such retail sales are incidental to the group camp activities. Provided, however, that there shall be a minimum of 4,000 square feet of lot area for each dwelling unit or nonhousekeeping accommodation and that there shall be not less than 20 feet of open space between buildings. Provided that such group camp developments are not used as permanent residential accommodations by any group or member of a group, excepting managers, night watchmen, or other employees whose duties require permanent residence on the premises.

4. Static electrical transformer stations and gas regulator stations if essential for the service of the immediate area and subject to the following conditions: Such uses shall be enclosed within a woven wire fence, shall be suitably landscaped, and the storage of vehicles and equipment on the premises shall be prohibited.

703.5. Control of area following completion:

1. After completion of a planned unit development, the use of land and construction, modification or alteration of any buildings or structures within the area covered by the plan shall be regulated by the approved development plan.

2. No changes may be made in the approved development plan except as provided below:

    a. Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval by the building and zoning office and the planning commission, provided: They are substantially consistent with purposes and intent of the development plan.

b. Substantial change in permitted uses, location of building or other specifications of the development plan may be permitted following public hearing and approval by the city council after receipt of recommendations from the planning commission.

ARTICLE VIII.

USE REQUIREMENTS FOR COMMERCIAL DISTRICTS

Section 801. Central business district (CBD).

Purpose: The intent of this section is to establish and preserve a compact central business district convenient and attractive for a wide range of retail uses, business transactions, government and professional offices, places of amusement, employment activity, and service to the public designed primarily to meet the day-to-day shopping and service needs of residents of the City of Royston and the surrounding area.

801.1. Principal uses permitted in the CBD shall be as follows:

1. Establishments selling goods at retail and personal services where business is conducted entirely within an enclosed building, except that restaurants may have outside tables. Drive-in restaurants, truckstops, gasoline service stations, or meat and poultry shops where slaughtering is done on the premises are prohibited.

2. Theaters and other places of amusement conducted entirely within an enclosed building.

3. Offices, government buildings, and financial institutions.

4. Bus stations and taxicab stands.

5. Hospitals and clinics.

6. Dry cleaning and laundry pickup stations.

7. Coin-operated laundry and dry cleaning establishments.

8. Social and fraternal clubs without outdoor athletic facilities.

9. Incidental, accessory, and principal use signs as set out in article VI.

10. Apartments, condominiums, townhouses, hotels, motels, tourist homes, duplexes, and detached/single-family residences; but not manufactured homes, manufactured home parks, and tourist accommodations for transient motorized homes, manufactured homes, or recreational vehicles.

11. Residential occupancy shall be permitted above the first floor of commercial buildings, provided adequate off-street parking is furnished for residents.

12. Home gardens and greenhouses.

13. Community buildings operated by nonprofit corporations or government contractors.

14. Commercial parking facilities.

15. Manufacturing and fabrication as inside uses which occupy no more than 1,000 square feet of floor area.

16. Accessory uses and buildings customarily incidental to any of the above.

801.2. The following uses shall be permitted in the CBD upon recommendation of the planning commission and approval by the city council:

1. Schools, where the type of school is compatible with nearby uses and required off-street parking is separated from any lot containing a one-story dwelling by an 80% opaque fence at least seven feet high or a densely planted buffer strip at least five feet wide.

2. Churches and their related activities, provided they are compatible with other uses in the district, are located at least 50 feet from any residential property line, and required off-street parking is separated from any lot containing a one-story dwelling by an 80% opaque fence at least seven feet high or a densely planted buffer strip at least five feet wide.

3. Community parks, either publicly or privately owned, provided:

    a. Activities within the park serve a need of the residents or customers of the CBD including community beautification.

    b. Safe pedestrian access can be secured without causing an impediment to the normal circulation of automotive traffic or undue congestion of either pedestrians, automobiles, or both.

4. Seasonal or temporary activities such as farmers' markets or produce stands, provided:

    a. Adequate off-street parking is made available.

    b. The activity will not create noise, dust, traffic hazards, or other nuisances not compatible with permanent uses in the CBD.

    c. At the end of the season or temporary use, the premises shall be returned to their original condition before the use was instituted or a condition considered equivalent or better than the original condition from a standpoint of appearance and compatibility with other uses in the CBD.

5. Customary home occupations conducted within a dwelling by residents on the premises, provided that no more than 30 percent of the floor area of any dwelling unit shall be used for

such purposes, and further provided:

a. The use is compatible with nearby uses.

b. Adequate off-street parking is furnished.

c. Occupational activities will not create noise, other than cars arriving or leaving, dust, undesirable odors, or other undesirable consequences which are detectable from off the premises by the senses of normal human beings.

Section 802. Neighborhood shopping (NS) district.

Purpose: It is the intent and purpose of this district to provide for commercial use locations within or adjacent to residential areas. Such commercial uses must be directly related to the provision of convenience and service to the residential population adjacent to it and must not be of a magnitude or type which would result in the generation of excessive traffic problems, noise, odors, pollution, safety hazards, etc., which would result in degradation of the general area or adversely affect property values in the general locale. Such uses must utilize architectural styles, treatments, landscaping, etc., which will give the site and structures as compatible an appearance as possible with the surrounding residential community.

802.1. The following uses shall be permitted in an NS district:

1. Branch banks.

2. Health clinics not employing more than ten persons.

3. Gasoline filling stations.

4. Florist shops.

5. Self-service laundries.

6. Bakeries, but only when the products are sold at retail on the premises.

7. Retail stores handling convenience goods for local consumption only, provided that in connection with such stores there shall be no slaughtering of animals or poultry on the premises.

8. Personal service uses including barbershops, beauty parlors, photographic or artist studios, messengers, taxicabs, newspaper or telegraph office, service stations, dry cleaning receiving stations, restaurants, and other personal services of a similar character.

9. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning and pressing, and other uses of a similar character provided that no use permitted in this paragraph shall employ more than five persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees.

10. Incidental accessory and principal use signs as set out in article VI.

802.2. The following uses shall be permitted in NS districts upon recommendation of the planning commission and approval of the city council:

1. Offices and office buildings.

2. Paint stores and appliance repair shops.

Section 803. Highway business (HB) district.

Purpose: The intent of this section is to establish and preserve commercial strips where customers reach individual business primarily by automobile with a minimum amount of pedestrian traffic between establishments.

803.1. Principal uses permitted in HB districts shall be as follows:

1. Establishments selling goods at retail or wholesale and personal services and repair facilities not involving the manufacture of a product, provided that any permitted use in an HB district shall be located at least 50 feet from a residential district and separated from residential property lines by an 80% opaque fence at least seven feet high or a densely planted buffer strip at least five feet wide.

2. Theaters and other places of amusement conducted entirely within an enclosed building.

3. Offices, government buildings, and financial establishments.

4. Community buildings operated by nonprofit corporations or government contractors.

5. Bus stations and taxicab stands.

6. Transportation terminal facilities.

7. Social and fraternal clubs.

8. Incidental, accessory, and principal use signs as set out in article VI.

9. Any kind of agriculture or horticulture.

10. Motels, hotels, tourist homes, accommodations for motorized homes, and recreational vehicles.

11. Animal hospitals, clinics, and kennels.

12. Hospitals, clinics, and nursing homes.

13. Manufacturing and fabrication as inside uses which occupy no more than 2,500 square feet of

floor area and which do not emit fumes, smoke, vibrations, or noise, other than that of vehicles entering and leaving, which are detectable from off the premises by the senses of normal human beings.

14. Warehousing as an inside use with under 10,000 square feet of storage, including miniwarehouses.

15. Accessory buildings or uses customarily incidental to any of the above.

803.2. The following uses shall be permitted in HB districts upon recommendation of the planning commission and approval by the city council:

1. Outdoor recreational facilities, either publicly or privately owned, provided they are compatible with nearby land uses, adequate off-street parking is furnished, and necessary precautions are taken for the protection of residential districts from noise, dust, glare of night lighting or other objectionable physical conditions related to the specific facility.

2. An on-premises dwelling unit for a business owner, manager, caretaker, night watchman, or similar employee only when it is necessary or desirable to have someone on the premises full time due to the nature of the business.

3. Schools, where the type of school is compatible with nearby uses, required off-street parking is separated from any residential property line by an 80% opaque fence at least seven feet high or a densely planted buffer strip at least five feet wide.

4. Churches and their related activities, provided they are compatible with nearby uses, are located at least 50 feet from any residential property line, and required off-street parking is separated from any residential use by an 80% opaque fence at least seven feet high or a densely planted buffer strip at least five feet wide.

5. Public service uses necessary for the convenience and general welfare of the public such as telephone exchanges, pumphouses, transformer substations, pressure reducers, cable easements, and similar uses. Such structures shall be architecturally harmonious with the general character of the surrounding area, shall be enclosed by proper fencing, and shall be suitably landscaped.

ARTICLE IX.

USE REQUIREMENTS FOR INDUSTRIAL DISTRICTS

Section 901. Restricted industrial district (M-I).

Purpose: It is the intent of this section to locate areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses and to make provision for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.

1. Any warehousing, wholesaling, storage or manufacturing uses not permitted in the commercial business district (CBD).

2. Bottling works.

3. Lumber and storage yard, including construction yard and contractor's yard.

4. Drive-in theaters.

5. Coal or wood yard.

6. Storage of petroleum products, but only after the location of the premises have been approved by the fire chief and, further, provided that mobile home parks or other residences shall not be located within 500 feet of the location.

7. Textile manufacturing or processing.

8. Fabrication of wood and metal products.

9. Industrial and manufacturing plant where the process of manufacturing or the treatment of materials is not objectionable because of dust, odor, gas, smoke, vibration or noise, and not more than ten percent of the lot or tract is used for the open storage of products, materials or equipment.

10. Truck or transfer terminal or freight house, or bus garages and repair shop.

11. Ice manufacturing plant.

12. Laboratory--experimental, film or testing.

Section 902. Heavy industrial district (M-II).

Purpose: It is the intent of this section to locate areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses and to make provision for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.

1. Any industrial use, provided that such use shall not be likely to be dangerous, offensive or detrimental to the health, safety, welfare, or general character of this zoning district or of the community by reason of the emission of dust, gas, smoke, noise, fumes, odors, vibrations, glare or otherwise.

2. Any nonresidential uses permitted in the restricted industrial district (M-I).

3. Business and outdoor advertising signs.

4. Cold storage plants.

5. Gasoline service stations.

6. Laundry and dry cleaning establishments.

7. Public utility structures.

8. Repair shops.

9. Restaurants, cafes, and similar establishments.

10. Truck terminals.

11. Warehousing.

12. Wholesale establishments, including building material yards.

13. Accessory uses and buildings which are clearly incidental to a permitted use and which will not create a nuisance or hazard.

14. Any building or land may be used for any purpose not in conflict with any ordinance of Royston regulating nuisances; provided, however, that no building shall be erected, reconstructed or structurally altered for residential purposes except for resident watchmen and caretakers employed on the premises.

15. No permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the planning commission and the local governing body:

    a. Acid manufacture.

    b. Cement, lime, gypsum or plaster of Paris manufacture.

    c. Stockyards, or slaughter of animals.

    d. Ammonia, chlorine or bleaching powder manufacture.

    e. Asphalt manufacture or refining.

    f. Auto wrecking and junkyard.

16. The following uses shall not be permitted in this or any other district:

    a. Distillation of bones and glue manufacture.

    b. Explosive manufacture or storage.

c. Fertilizer manufacture.

d. Garbage, offal or dead animals, reduction or dumping.

e. Petroleum or its products, refining of.

f. Paper or paper pulp manufacture.

g. Smelting of tin, copper, zinc or iron ores.

h. Other uses as deemed hazardous to the health safety and general welfare of the public.

ARTICLE X.

USE REQUIREMENTS FOR AGRICULTURAL DISTRICTS

Section 1001. Agricultural [(A-I)] districts.

Purpose: It is the intent of this section to facilitate the orderly and economically efficient development of Royston from existing built-up areas outward to the town's perimeter by establishing and preserving areas for low intensity uses such as agricultural, low density residential, and outdoor recreational uses in outlying areas without permitting an intensity of development which would require provision of additional public facilities and services in those areas until the land preserved for nonagricultural uses has been developed to the extent that agricultural land is needed for expansion of urban uses.

Within an agricultural (A-I) district, the following uses shall be permitted.

1. Cultivation, horticulture, and farm forestry, excluding livestock or poultry production; shelters or enclosures for three or less household pets are allowed, provided they meet the provisions of the sanitary rules and regulations of Franklin, Hart or Madison County and/or health regulations of the State of Georgia. The definition of "household pets" other than animals customarily kept as pets shall be determined by the appropriate health official.

2. Single-family residences including manufactured homes with a minimum lot size of one acre, provided that any new residence, other than that of the owner, shall be located at least 300 feet from any building or structure used for the shelter or maintenance of farm animals.

3. Customary and essential accessory buildings and uses including barns, and other structures for maintenance of equipment; storage sheds; implement sheds; roadside stands for the sale of farm products; and similar uses.

4. Incidental and accessory use signs as set out in article VI.

The following uses may be permitted in an A-I district upon recommendation of the planning commission and approval of the city council:

1. Customary home occupations conducted within a principal building by persons residing on premises, provided that not more than 30 percent of the floor area of the principal building shall be used for such purpose and off-street parking is furnished.

2. Parks, playgrounds, and other outdoor recreational facilities, either public or commercial, with provisions for off-street parking.

3. Utility company facilities on premises which are necessary for the convenience and general welfare of the public such as telephone exchanges, pumphouses, transformer substations, pressure reducers, cable easements, and similar installations. Such facilities shall be landscaped, enclosed by proper fencing, and buildings shall be architecturally harmonious with the surrounding area.

4. Churches and related activities and cemeteries with the provision of off-street parking facilities.

5. Greenhouses and nurseries with provision of off-street parking.

In making a recommendation or decision to approve or disapprove a specific use, the planning commission and city council shall consider whether or not the use would be more appropriate in another district with regard to the purpose set out in section 1001. Analysis should include but not be limited to the following:

1. The public cost of extending or furnishing any facilities or services which the use would necessitate such as road construction, additional maintenance, trash and refuse collection, water and sewerage service, etc.

2. Would the use detract from the rural character of the district and encourage other urban uses to encroach upon the district prematurely, thus negating the purpose for which the district was created?

3. Is land available in another district where the use would be more compatible with surrounding uses?

4. A determination of whether off-street parking and traffic can be handled without hazard or the creation of congestion.

5. When noise vibration, dust, glare, or other nuisances are created, appropriate action shall be taken to protect those who live in the A-I district, their homes, farm animals, and crops from damage or annoyance. If conditions are such that appropriate action to make the use compatible with agricultural and residential uses in the district cannot be accomplished to the satisfaction of the planning commission and the city council, no permit shall be issued.

ARTICLE XI.

PLACEMENT, AREA, AND DENSITY REQUIREMENTS

Section 1101. Requirements of placement, area and density.

Purpose: It is the intent of this section (1) to provide access to buildings for fire protection, the service and maintenance of public utility installations, and other similar purposes; (2) to reserve land for the future widening of streets, roads, or highways without displacing buildings or depriving citizens of sufficient open space for protection from noise, dust, exhaust fumes, and other pollutants; (3) to protect the community's natural resource base; (4) to preserve Royston's housing stock which is in short supply; and (5) to maintain the community's scenic beauty and living amenities which contribute to the town's economy which is dependent upon income from tourism and recreational attractions.

Section 1102. Building placement requirements.

Except as otherwise specifically provided in this ordinance, no structure shall be erected between any lot line and the pertinent setback distance listed in table 1.

Where a lot abuts two streets, the front setback for that district shall apply to both frontages, including corner lots, reverse and double frontage lots.

The side setback requirements apply to a side lot line and also to any lot line which is neither a front, rear, nor side lot line.

The setback requirements of these regulations for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within 100 feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot is less than the minimum required setback. In such cases, the setback may be less than the required setback for the district but not less than the average of the existing setbacks on the developed lots. This section shall not be construed to allow less setback on lots which extend a developed area, but only to allow the filling in of vacant lots in a developed area.

Section 1103. Lot requirements.

Except as otherwise specified in this ordinance, no structures shall be erected on any lot which does not fulfill the requirements for area, width, depth, and density set out in table 1.

Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to meet the minimum lot size requirements of these regulations, such lot may be used as a building site; provided that the city council and the appropriate health officer find that the owner's building plans are consistent with existing health codes, and that the building plans will not otherwise adversely affect the health, safety, welfare, convenience, or property values of the area.

TABLE 1

AREA, YARD AND HEIGHT REQUIREMENTS

	Minimum Lot Size			Front Yard Setback			Minimum Yard Requirements		[Building Height]
	Area in Sq. Ft.	Sq. Feet per Add'l Family	Lot Width in Feet at Bldg. Line	Major Artery	Minor Artery	Other Streets	Yard in Feet	Side/Rear Yard in Feet	Maximum Height in Feet
Residential									
Single-family (R-1)	20,000	20,000	100	60	50	40	10(a)	15	35
Multifamily (R-2)	15,000	15,000 1-F	75	55	45	35	10(a)	15	35
		10,000 2-F	100	(Same as 1-F)					
		7,500 3-F or more	150	(Same as 1-F)					
Planned unit development (PUD)	None	None	None	60	50	40	(determined from plans)		
Commercial									
Neighborhood shopping (NS)	(No residences permitted)			40	35	30	10(c)	20(c)	35
Highway business (H-B)	(No residences permitted)			80	50	40	10(b)	20(c)	35
Central business district (CBD)				40	25	25	0(c)	0(c)	35
Industrial									
Restricted (M-I)							0(c)	0(c)	35
Heavy (M-II)	(No residences permitted)						0(c)	0(c)	35
Agricultural									
Agricultural (A) [(A-I)]	40,000	40,000	100	100	90	80	25	35	35

(a) Corner lots must have additional width of 15 feet along the side street line.

(b) Nonrequired, but if provided each side yard shall be at least ten feet in width.

(c) Where a lot abuts any residential district there shall be a side or rear yard clearance of at least ten feet on the side and/or rear yard abutting the residential district. Upon any side or rear lot which abuts a residential district there shall be a densely planted buffer strip at least six feet in height along the rear and/or side lot abutting the residential properties. No buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lot.

*Requirements for townhouses are set out in section 1104.0.

**Dwellings in the CBD, except those on the second floor of shops, shall meet the setback requirements for the

R-2 2 district.

In a district which requires side setbacks, if two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time this ordinance becomes effective and such lots are individually less than 50 feet in width, such groups of lots shall be considered as a single lot or several lots of minimum permitted size, and the lot or lots in one ownership shall be subject to the requirements of this ordinance.

Section 1104. Townhouses.

Purpose: It is the intent of this section to facilitate appropriate intermingling of townhouses, in districts where they are permitted, with other types of housing to provide another means of efficient, economical, comfortable, and convenient use of land and open space to serve the public purposes of zoning by methods which are alternative to conventional arrangements of yards and building areas.

1104.1. Pursuant to the intent set out above, the following regulations shall apply to townhouses:

1. To avoid monotony of construction and confusion in locating houses, it is suggested that building lines of houses in the same row be staggered and facades of individual houses be varied.

2. Not more than ten contiguous townhouses or less than three shall be built in a row with the same or approximately the same building line.

3. Minimum width for the portion of the lot on which a townhouse is constructed shall be 18 feet, but the minimum average width of a group of five or more units shall be 20 feet.

4. Lot area shall average no less than 2,400 square feet, and the minimum of any single lot shall be 2,000 square feet.

5. No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than 20 feet to any portion of a townhouse or accessory structure related to another group or to any property line.

6. No side or rear yard, as such, is required in connection with any townhouse, except that the front yard shall be no less than 35 feet in depth from the front property line to the building line and the side setback for corner lots shall be the same as the front setback. End buildings in each townhouse group shall conform to the side yard requirements for the district in which they are located. Each townhouse shall have its own lot.

7. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve. On major thoroughfares, common parking facilities for three or more automobiles shall provide space outside the public right-of-way for maneuvering incidental to parking.

Section 1105. Visibility at street intersections.

On a corner lot in any zoning district, no planting, structure, fence, wall, or other obstruction to vision more than three feet in height from the street level shall be placed so that it obscures the vision of either drivers or pedestrians approaching the intersection.

At the intersection of any private drive or entrance or exit for a common parking area with a public street or alley, no fence, wall, hedge, structure, or other impediment to visibility shall be placed so that it obstructs the vision of drivers or pedestrians entering a public trafficway.

ARTICLE XII.

ADMINISTRATION, ENFORCEMENT, AND PENALTIES*

* **Cross References:** Administration, ch. 2.

Section 1201. Zoning administrative officer.

The zoning administrative officer or his officially designated representative shall administer and enforce the provisions of this ordinance. The zoning administrative officer shall be appointed by the city council and shall serve at its pleasure. He shall receive such compensation as the city council may, from time to time, determine. The zoning administrative officer may also serve in some other capacity as an employee or appointed officer of the City of Royston. He shall administer the provisions of this ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive ordinance requirements.

Section 1202. Building permit required.

No building or other structure shall be erected, moved, extended, or enlarged; structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the administrative officer has issued a building permit for such work. Permits shall be issued and fees charged according to the provisions of the City of Royston building codes.

Section 1203. Application for building permit.

Application to the administrative officer for a building permit shall be in accordance with the provision of the City of Royston building codes and shall be accompanied by plot plans in duplicate 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 location of existing structures on the lot, if any.

5. The number of dwelling units or kind of business and number of employees the building is designed to accommodate.

6. The approximate setback lines of buildings on adjoining lots.

7. Provisions for off-street parking and loading.

8. If the building is located in the CBD or an HB or M-I district, the number, kind, and size of principal use signs, if any.

9. Such other information as may be essential for determining whether the provisions of this ordinance are being observed.

Any building permit issued shall become invalid 12 months after date of issue subject to renewal upon application to the administrative officer.

Section 1204. Certificate of occupancy required.

A certificate of occupancy issued by the administrative officer is required in advance of occupancy or use of:

1. Manufactured homes.

2. A building hereafter erected, altered or moved.

3. A change of use of any building or land.

4. Any nonconforming use that existed at the time of the enactment of this ordinance or an amendment thereto that is changed, extended, altered, or rebuilt thereafter. The certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this ordinance.

A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the building or structural alteration of the building has been completed in conformity with the provisions of this ordinance and the City of Royston building codes.

Any use requiring the issuance of a permit under the provisions of this ordinance and for which no specific instructions have been furnished elsewhere in this ordinance shall be treated administratively as a request for a certificate of occupancy. Such request shall be presented in writing to the administrative officer at least five days prior to a scheduled meeting of the planning commission. The applicant or his representative shall appear in person at the planning commission meeting at which the request is to be considered to furnish additional information which the planning commission deems necessary in order to make an official recommendation concerning the requested use. The certificate of occupancy shall be issued following approval by the city council after receipt of a recommendation from the planning commission.

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance and meets all requirements of the City of Royston building codes.

If the certificate of occupancy is denied, the administrative officer or his officially designated representative shall state in writing the reasons for refusal within five days following the official denial by the city council or the building official, depending upon the nature of the request.

Section 1205. Special zoning orders book and map.

The administrative officer shall keep in his office a book, to be known as the special zoning orders book, in which he shall list, with a brief description, all variances, conditional use permits, a record of all certificates of occupancy, authorizations for planned unit developments, designations of nonconformances and their terminations or other records pertinent to the administration of this ordinance. Each item shall be assigned a number when entered. The administrative officer shall also keep a map of the City of Royston, to be known as the special zoning orders map, on which he shall record the numbers in the special zoning orders book to indicate the locations affected by the items in the book. The special zoning orders book and map shall be open to public inspection.

Section 1206. Penalties for violation.

Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense as provided by law. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Section 1207. Remedies.

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this ordinance, the administrative officer, the building inspector, the city council, or any other person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, mandamus, or other appropriate action or procedure to prevent the illegal use of buildings or land or to prevent any act which would constitute a violation.

ARTICLE XIII.

APPEALS AND PROCEDURE

Section 1301. Authority vested in the mayor and city council.

The mayor and council of the City of Royston shall have full and complete jurisdiction for hearing appeals and making final decisions concerning actions of the administrative officer related to zoning. In this capacity, the mayor and city council shall act as a zoning board of appeals.

Section 1302. Meetings; officer to administer oaths and compel attendance of witnesses: minutes required and filed as public record.

Meetings to hear appeals shall be held at the call of the mayor and at such times as the city council may determine. The mayor, or in his absence, the mayor pro tem may administer oaths and compel the attendance of witnesses.

The council shall keep minutes of its proceedings, showing the vote of each question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the mayor and shall be a public record.

The council may appoint a secretary who shall maintain all records and perform all services required by the council to fulfill its responsibilities on zoning appeals.

Section 1303. Appeals--How taken.

Appeals to the mayor and city council may be taken by any person aggrieved or by an officer, department, board or bureau of the City of Royston affected by any decision of the administrative officer. Such appeals shall be taken within a reasonable time by noticing the officer from whom the appeal is taken and filing with the secretary to the city council a notice of the appeal specifying the ground therefor.

Section 1304. Appeals--Notice of hearing.

The council shall fix a reasonable time for the hearing of an appeal or other matters referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appear in person or by agent or by attorney.

Section 1305. Appeals--Stay of proceedings: exception.

Any appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the city council, after notice of the appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the city council or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

Section 1306. Powers enumerated.

The mayor and city council shall have the following powers:

1. To hear and decide when an official allegation is made that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.

2. To hear and decide upon special exceptions to the terms of this ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of

the provisions of the ordinance will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in an individual case of practical difficulty or unnecessary hardship upon finding by the mayor and council that:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and

b. The application of the ordinance to this particular piece of property would create practical difficulty or unnecessary hardship; and

c. Such conditions are peculiar to the particular piece of property involved; and

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance.

In order to make a variance permissible, certain conditions shall be shown:

1. There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the provisions of this ordinance were applied literally.

2. The hardship cannot be self created; such as a case where the lot was purchased with knowledge of an existing restriction or claiming hardship in terms of prospective sales.

Section 1307. Use variance.

No variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

Section 1308. Action on appeal.

In exercising its power, the mayor and council may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit, certificate, or other document as required.

ARTICLE XIV.

FEES

The administrative officer, the building inspector, the city council or the planning commission shall not consider any matter until there is first paid a fee as required below, except that such fee shall not be required where the city or any official or body thereof is the moving party. The amount of required fees is as follows:

1. For consideration of a planned unit development proposal: $10.00 per acre with a minimum of $300.00.

2. Application for a building permit: In accordance with the fee schedule set forth in the City of Royston building code.

3. For consideration of an application for a certificate of occupancy not related to a new or altered building or structure: $10.00 for an individual or family, $25.00 for an institution or firm. No charge for establishments which are required to have a license for the operation of a business within the City of Royston unless construction or moving is involved. No charge for local, state, or federal governmental agencies.

4. A building permit shall be required for the installation or movement of manufactured homes, and fees shall be consistent with the schedule set forth in the City of Royston building codes or the Manufactured Home Ordinance for Royston, Georgia [appendix C to this Code].

ARTICLE XV.

AMENDMENTS

This ordinance, including the zoning map, may be amended from time to time by the city council, City of Royston, Georgia, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Royston planning commission for review and recommendation. The planning commission shall have 30 days within which to submit a report. If the planning commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

Before enacting an amendment to this ordinance, the City of Royston shall hold a public hearing thereon, at least 15 days' notice of the time and place of which shall be published in a newspaper of general circulation in the City of Royston.

ARTICLE XVI.

LEGAL STATUS PROVISIONS

Section 1601. Conflict with other regulations.

Whenever the provisions of this ordinance are in conflict with other statutes, the document or parts thereof which imposes the more restrictive standards or regulations shall prevail.

Section 1602. Validity.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1603. Effective date.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

APPENDIX B

ZONING ORDINANCE AMENDMENT PROCEDURES*

* **Editors Note:** Printed herein is the ordinance adopting procedures for the calling and conducting of public hearings and adopting standards governing the exercise of zoning power, as adopted by the city council on October 8, 1992. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross References: Adoption of resolutions, contracts and interlocal agreements, § 2-61 et seq.; zoning ordinance, app. A.

State Law References: The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

AN ORDINANCE ENTITLED

AN ORDINANCE OF THE CITY OF ROYSTON ADOPTING PROCEDURES FOR THE CALLING AND CONDUCTING OF PUBLIC HEARINGS AND ADOPTING STANDARDS GOVERNING THE EXERCISE OF ZONING POWER AND FOR OTHER PURPOSES

Pursuant to the State of Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., enacted by 1985 Ga. Laws, page 1139, be it ordained, and it is hereby ordained by the mayor and city council of Royston, Georgia:

Section 1. Intent.

It is the intent of the mayor and city council to comply with the above-referenced "Zoning Procedures Law" by adopting the following ordinance. To simplify the review of applicable city zoning regulations by developers, staff and other interested individuals, the Royston mayor and city council intend to incorporate,

upon adoption, the entire subject ordinance into the city's zoning ordinance. Action to subsequently incorporate zoning procedures and other criteria, as adopted by this ordinance, into the zoning ordinance, will save interested individuals the cost of purchasing two separate ordinances and will place such procedures and criteria in the most appropriate position.

Section 2. Authority to amend.

The governing body may from time to time amend the number, shape, boundary or area of any zoning district, or may amend any regulation pertaining to any district; or may amend any article or section of the zoning ordinance. The procedure for amending the zoning ordinance shall be as provided in this ordinance.

Section 3. Initiation of zoning amendments.

A petition to amend the text of these zoning regulations or the official zoning map may be initiated by the governing body, the planning commission, or any person, firm, corporation or agency that owns property involved in a petition for amendment, subject to the provisions established herein.

Section 4. Frequency of application.

The governing body or the planning commission may at any time file, in its own name, an application for amendment to the text of the zoning regulations or the official zoning map, except that if a zoning decision of the governing body is for the rezoning of property and the amendment to the zoning ordinance and map to accomplish the rezoning is defeated by the governing body, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the governing body.

A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit, or variance affecting the same or any portion of property more often than once every 12 months from the date of any previous decision rendered by the governing body.

A property owner or subsequent property owner shall not initiate action for a text amendment affecting the same or any portion of property more often than once every 12 months from the date of any previous decision rendered by the governing body.

This section shall not be construed as to limit new applications involving the same property for which the application was made, provided the new application contains substantive differences from the original application as determined by the zoning administrator.

Section 5. Withdrawal of amendment application.

Any petition for an amendment to the zoning ordinance text, official zoning map, conditional use approval, or variance may be withdrawn, at the discretion of the person or agency initiating such a request, at any time prior to closing the required public hearing by the governing body upon written notice to the zoning administrator. If the public hearing before the governing body has been completed, withdrawal by the applicant is not permitted. Any required application fees shall be refunded to the applicant only if such application has not been prepared and submitted for advertisement as determined by the zoning administrator.

Section 6. Application requirements.

Application materials specified in this section shall be required for the following petitions: amendments to the official zoning map, conditional use permits, variances and appeals.

1. An application form furnished by the zoning administrative officer; and

2. A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description (such as a tax plat map) is accepted by the zoning administrator. Boundary surveys of the property should be submitted with the application whenever available; and

3. A letter of intent which describes general characteristics of the proposed development such as type and timeframe of development, background information in support of such application, and any other information deemed pertinent by the applicant. For variance applications, the letter of intent shall address the criteria specified in section 10 of this ordinance. For zoning map amendment applications, the letter of intent shall address the standards specified in section 8 of this ordinance. For conditional use permit applications, the letter of intent shall address the standards specified in section 9 of this ordinance; and

4. Applications for variances, conditional use permits and map amendment to commercial or industrial zoning districts shall require a site plan with all information specified. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed; and

5. A fee for said application as established by the governing body from time to time; and

6. Applications which require action by the governing body shall also require disclosure of any conflicts of interest as specified in O.C.G.A. § 36-67A-1 et seq., "Conflict of Interest in Zoning Actions."

Applicants shall submit 15 copies of any required site plans and letters of intent to the zoning administrator for distribution to the applicable bodies and/or review agencies. The zoning administrator may require more or less copies depending on the nature and extent of required review.

Section 7. Site plan requirements.

All site plans required by this ordinance shall, at a minimum, contain the following information:

1. Title of the proposed development and the name, address and telephone number of the property owner.

2. The name, address and telephone number of the architect, engineer or other designer of the proposed development.

3. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.

4. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; buildings; watercourses; parking and loading areas; and other physical characteristics of the property and proposed development.

Section 8. Criteria to consider for map amendments.

The applicant, staff, planning commission and governing body should review an application for zoning map amendment with regard to the following criteria:

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

2. The extent to which property values are diminished by the particular zoning restrictions.

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

7. The zoning history of the subject property.

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

The staff, planning commission and governing body may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.

Section 9. Criteria to consider for conditional uses.

The applicant, staff, planning commission and governing body should review applications for

conditional uses with regard to the following criteria:

1. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.

2. The number, size and type of signs proposed are compatible with the surrounding area.

3. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.

4. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.

5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.

6. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.

7. Public facilities and utilities are capable of adequately serving the proposed use.

8. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.

9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.

10. The proposed use is consistent with the goals and objectives of the city's comprehensive plan.

The staff, planning commission and governing body may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.

Section 10. Criteria to consider for variances.

The board of zoning appeals is hereby empowered to authorize upon application in specific cases such variance from the dimensional requirements of zoning regulations (any provisions requiring a number to be achieved, such as height in feet, setback, lot area, lot width, parking and loading requirements, etc.) as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings or structures in the same zoning district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with section 6 of this ordinance, upon specific findings that all of the following conditions exist. The absence of any one of the conditions shall be grounds for denial of the application for variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and

2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and

4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; and

5. The special circumstances are not the result of the actions of the applicant; and

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and

7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved; and

8. A variance shall not be granted in cases where the requested relief to the property owner can be remedied by a change to a zoning district which otherwise would not require a variance.

Section 11. Procedures for appeals.

The board of zoning appeals is empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the zoning administrator in the interpretation or enforcement of these zoning regulations.

The board is empowered to hear an appeal made by any person, firm, or corporation, or by any officer, department, board, or bureau affected by any decisions of the planning commission or zoning administrator based on the zoning ordinance.

This section shall not be construed as permitting an appeal of the governing body's denial of a rezoning request or conditional use, the appropriate remedy of which would be suit in county superior court.

Such appeal shall be taken within 60 days, or as provided by the rules of the board, by filing with the zoning administrator notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the board of zoning appeals.

The board shall select a reasonable time and place for the hearing of the appeal and give at least 15 days

of public notice thereof and due notice to the parties in interest and shall render a decision on the appeal within a reasonable time.

Section 12. Conditional approval permitted.

In exercising the powers to grant appeals and approve variances, the board may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

In exercising the powers to grant zoning map amendments and conditional use approvals, the governing body may attach any conditions to its approval which it finds necessary to render the proposed zoning district or use compatible with adjacent and nearby properties and land uses. Applications to alter or modify any such conditions shall be considered only after compliance with procedures and notice requirements as established in this ordinance, for the particular type of application.

Section 13. Public notice and public hearing required.

This section shall apply to all applications for amendments to the text of the zoning regulations, amendments to the official zoning map, petitions for variances and appeals to the board of zoning appeals, and requests for conditional use approval.

Upon receipt of a completed application, fees and other information required by this ordinance, the zoning administrator shall cause notice of such application to be published at least one time in a newspaper of general circulation in the community at least 15 days but not more than 45 days prior to the date of public hearing before the governing body. The 15-day requirement shall not apply to the public hearing before the planning commission. Said published notice shall include, as a minimum, the purpose, location, date and time of the public hearing, before the governing body or board of zoning appeals, is appropriate [for] the purpose, location, date and time of the public hearing before the planning commission, the location of the property being considered, the present zoning classification of the property, and proposed action to be taken, as appropriate (such as proposed zoning district, type of conditional use, variance to particular articles and sections, and so forth). The zoning administrator shall also cause to have posted in a conspicuous place on said property one or more sign(s), each of which shall contain the information specified for published notices. The public hearing before the governing body or board of zoning appeals shall [not] take place until said sign(s) have been posted for a least 15 days but not more than 45 days prior to the date of the public hearing. Posting of sign(s) shall not be required for appeals, since an appeal only applies to interpretation of zoning regulations which apply to all similarly situated properties.

The planning commission shall also hold a public hearing on each matter.

Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time and location of the public hearing to be delayed, rescheduled or continued is announced.

Section 14. Recommendation by zoning administrator.

The zoning administrator may, as appropriate, customarily submit to the recommending and/or decision-making body, prior to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by this ordinance. The recommendations of the zoning administrator shall have an advisory effect only and shall not be binding on the governing body. Copies of the zoning administrative officer's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing.

Section 15. Planning commission recommendation.

Prior to the public hearing held by the governing body, the planning commission shall hold a public hearing on all applications for amendment to the text of the zoning regulations, amendments to the official zoning map, conditional use applications and variances.

After completing its studies of the particular petition, the planning commission shall submit a recommended action in writing to the governing body or board of zoning appeals, as appropriate. The planning commission may submit any additional report it deems appropriate. The recommendations of the planning commission shall have an advisory effect only and shall not be binding on the governing body or board of zoning appeals. Copies of the planning commission's recommendations and reports shall be made available to the applicant and other interested parties upon completion and distribution to the governing body or board of zoning appeals and at the public hearing before the governing body or board of zoning appeals.

The planning commission shall have 30 days within which to submit its recommendations. The governing body or board of zoning appeals shall not take action on any of said applications, until it has received the recommendation of the planning commission within the specified time period. If the planning commission fails to submit a recommendation within the 30-day period, it shall be deemed to have approved the proposed application.

Section 16. Conduct of public hearings.

All public hearings regarding applications considered by the board of zoning appeals, planning commission and governing body shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedures:

1. The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time the presiding officer may summarize the public hearing procedures.

2. The zoning administrator or other staff may present a description of the proposed application, any applicable background material, his/her recommendation regarding action on said application as appropriate, and the recommendations and reports of the planning commission, as appropriate.

3. Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application. The

petitioner, or his designated agent, is expected to attend the public hearing unless written notice of hardship is received prior to such meeting. A time limitation may be imposed at the discretion of the presiding officer.

4. Persons who oppose the application or who have questions about the subject application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and identifying their name, address and interest along with any comments on the proposed application. A time limitation may be imposed at the discretion of the chairman.

5. The petitioner shall have an opportunity to answer any questions raised by the public, for summary remarks and rebuttal concerning the proposed application.

6. Upon the completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.

7. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition. Additional questions from the general public may not be asked once the public hearing has been closed. Once the public hearing is closed, and a vote or other action is being considered, unrecognized responses from the petitioner shall be ruled out of order by the presiding officer.

Section 17. Action by the appropriate body.

After the public hearing has been completed, the governing body may take action to approve or deny the request, refer the application back to the zoning administrator or planning commission for further study, or the governing body may table or defer action until a later meeting. The board of zoning appeals after the public hearing has been completed, may take action to approve or deny the request, or defer action until a later meeting. In voting on a petition, the planning commission, governing body, and board of zoning appeals shall follow applicable bylaws for such body, or in lieu of adopted bylaws, shall generally follow "Robert's Rules of Order."

Section 18. Availability of this ordinance for public review.

The zoning administrator, or other official in the city, shall ensure that copies of this ordinance are printed and available for distribution to the general public.

Section 19. Definitions of terms used in this ordinance.

Board of zoning appeals: The body established by these regulations composed of or appointed by the governing body which has original jurisdiction to take action on appeals, variances and other determinations as herein established.

Compatibility: The characteristics of different uses or activities that permit such uses or activities to be

located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled, and such environmental affects as noise, vibration, odor, glare, air pollution or radiation.

Comprehensive plan: Those coordinated plans or portions thereof which have been prepared by or for the governing body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Conditional use: A use which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions (such as controls on number, size, area, location and activities) contained in these regulations or required by the governing body. Such uses may be permitted only if approved by the governing body in accordance with the regulations established herein.

Conditional zoning: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the governing body to mitigate adverse impacts that are anticipated without imposition of such conditions.

Governing body: The mayor and council of the City of Royston, duly elected by the citizens within the jurisdiction.

Metes and bounds: A system describing and identifying land by distances or measures (metes) and bearing or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

Official zoning map: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in the zoning ordinance in relation to natural features, manmade features and/or property uses.

Screening: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides yearround maximum opacity from the ground to a height of at least six feet or that screens structures and activities from view from the normal level of a first-story window on an abutting lot.

Site plan: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

Variance: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Zoning administrator: The clerk of the governing body or his/her authorized representative.

Section 20. Repealer.

All ordinances and resolutions and portions thereof in conflict herewith are repealed.

APPENDIX C

MANUFACTURED HOME REGULATIONS*

* **Editors Note:** Printed herein are the city's manufactured home regulations, as adopted by the city council on Nov. 8, 1994. Amendments to the regulations are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original regulations. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross References: Buildings and building regulations, ch. 18; streets, sidewalks and other public places, ch. 62; utilities, ch. 74; zoning ordinance, app. A.

ARTICLE I.

ENACTMENT CLAUSE

For the purpose of promoting health and general welfare; securing safety from fire, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to preserve the character of the area and its peculiar suitability for particular uses; to promote desirable living conditions; to protect property against blight and depreciation; and to encourage the most appropriate use of land and other buildings and structures throughout such area, the City of Royston, Georgia does ordain and enact into law the following sections.

ARTICLE II.

SHORT TITLE

These regulations shall be known as and may be cited as "The Manufactured Home Regulations of the City of Royston, Georgia."

ARTICLE III.

DEFINITIONS OF TERMS

When used in this regulation, the following words and phrases shall have the meaning given in this section. Terms not herein defined shall be understood to have customary dictionary meaning where not inconsistent with the context of this regulation. The term "shall" is mandatory. Words used in the singular shall include the plural and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "person" includes "individual, association, corporation, organization, trust company and firm."

(1) *Accessory use:* A use customarily incidental to the principal use of land.

(2) *Mayor and council:* The City of Royston mayor and council.

(3) *Building inspector:* The building inspector for Royston, Georgia.

(4) *City attorney:* The attorney for the City of Royston, Georgia.

(5) *City clerk:* The city clerk for Royston, Georgia.

(6) *Developer:* The owner of land proposed for development or his representative.

(7) *Engineer:* A registered, professional engineer licensed by the State of Georgia.

(8) *Family:* One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, lodginghouse, or hotel.

(9) *Health department:* The county health department for the respective county.

(10) *Individual sewage disposal system:* A septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the health department.

(11) *Planning commission:* The City of Royston planning commission.

(12) *Lot:* A parcel of land occupied or to be occupied by one or more main buildings and its accessory buildings with such open and parking spaces as are required by the provisions of this ordinance and having its frontage upon street or streets.

(13) *Manufactured home:* A factory-fabricated structure originally constructed with wheels or equipped for the attachment of wheels, whether or not such wheels have been removed, transportable in one or more sections, designed for longterm occupancy as a single-family dwelling, or a business, or for any other purpose, that is constructed in accordance with federal manufactured home construction and safety standards and bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD).

(14) *Manufactured home park:* Any lot on which are customarily placed two or more manufactured homes for a period of time exceeding 30 days.

(15) *Open space:* Any portion of an individual lot within the park that is designed and designated for use by the residents of said park, not including streets and off-street parking areas. Open spaces shall be substantially free of structures, but may contain such improvements as shown on the plans as finally approved. Unless dedicated and accepted by the city, maintenance shall be the responsibility of the property owner(s) of the park.

(16) *Plat:* A map, plan or layout of a county, city, town, section, subdivision or development indicating the location and boundaries of properties.

(17) *Principal use:* The primary purpose for which land or a building is used.

(18) *Right-of-way line:* The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

(19) *Sign:* Any words, lettering, parts of letters, figure, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a

commodity, or product which are visible from any public way and used as an outdoor display.

(20) *Sign area:* The smallest square, rectangle, triangle, circle or combination thereof encompassing the entire advertising area, excluding architectural trim and structural supports.

(21) *Street/road:* A public or private thoroughfare that affords the principal means of access to abutting property. For the purpose of this ordinance "streets" are divided into the following categories:

A. *Arterial:* A street which is used primarily for fast and heavy traffic flow, is of considerable continuity, and is used to travel through and within the city.

B. *Major collector:* A street which carries traffic from activity centers and minor collector streets to arterial streets and streets of higher classification.

C. *Minor collector:* Principal entrance streets to park the main streets for circulation within a park which serve a network of four or more local streets.

D. *Local street:* A street used primarily for access to abutting properties as opposed to the collection and dispersion of traffic.

E. *Cul-de-sac:* A local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

F. *Marginal access road:* A street which is parallel to and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

G. *Dead end:* A stub street in a subdivision or manufactured home park that may at [a] later time be continued into another portion of the subdivision or park.

(22) *Street/road grade:* The grade of the centerline of a street measured at any point along the street expressed as a percent.

ARTICLE IV.

MANUFACTURED HOME PARKS

Section 4.1. Park development criteria.

Manufactured home parks, as defined in this ordinance, including additions of acreage to existing manufactured home parks or replacement of individual housing units within existing manufactured home parks begun after the adoption of this ordinance, must adhere to the following criteria.

4.11. Minimum lot area per park shall be five acres; minimum lot width for portion used for entrance and exit shall be 100 feet; and minimum lot street frontage shall be 100 feet.

4.12. Minimum lot area for each manufactured home space or stand shall be 8,900 square feet and minimum yard setbacks shall be as follows: front yard--20 feet; side yard--20 feet; and rear yard--20 feet. Each manufactured home unit's long axis shall be oriented parallel to the street from which entry is gained to the unit. Front yard setback is in addition to square footage required for installation of required deck, landing or patio and any necessary steps. Buffers shall not be included in minimum lot area.

4.13. There shall be a maximum of 2 1/2 manufactured home units per acre.

4.14. Each manufactured home lot shall be provided with a driveway that is at least 20 feet wide and is connected to the interior drive. Each manufactured home lot driveway shall be sufficient in length and width to serve as two off-street parking spaces. Driveways at least 20 feet wide shall also be provided to service buildings and recreation buildings or areas.

> *4.141.* Driveways shall be constructed and maintained in accordance with sections 5.24, 5.25, 5.26, 5.27 and 5.28.

4.15. Each manufactured home unit shall be served by either individual refuse containers or dumpster(s), the contents of which shall be emptied at least once a week into a state-approved sanitary landfill. Where the manufactured home unit is served by individual refuse containers, each manufactured home unit shall be provided with stands to hold the individual refuse containers and said containers shall be screened from conspicuous view. If the manufactured home unit is provided with a dumpster, said dumpster shall be screened from conspicuous view. One six-cubic-yard dumpster shall be provided for each 115 persons living in the manufactured home park. The determination of the number of dumpsters required shall be based on the following ratio: 2.5 persons per single-wide unit; 4 persons per double-wide unit.

4.16. The owner of the manufactured home park shall provide each individual manufactured home with either a patio or deck with minimum dimensions of 96 square feet adjacent to at least one of said manufactured home's entrances. Deck must be constructed from pressure treated lumber. Each manufactured home shall be provided with prefabricated or permanent stairs with landing, constructed from pressure treated lumber, masonry or metal sufficient to provide ingress and egress from two exterior doors of the manufactured home unit. Loose, stacked steps are strictly prohibited.

4.17. In no case shall a manufactured home unit be located within 20 feet from required buffer.

4.18. The manufactured home must be supported by piers as prescribed by the Southern Building Code or manufacturer's instructions, whichever is more stringent. The foundation must be enclosed by a curtain wall, manufactured skirting material, masonry construction or other materials manufactured for such purpose. Materials not manufactured for such purpose may be used if approved by the building inspector prior to installation. Materials not manufactured for such purpose must be installed to the same standards as materials manufactured for such purpose.

4.19. Except as otherwise provided, lands comprising at least ten percent of the total usable area to be subdivided shall be reserved for parks, playgrounds, and/or recreational purposes in a location with suitable park resident access within a manufactured home park.

4.191. All property proposed for open space shall be: (1) shown on the plan, and (2) located as to be free of traffic hazards.

4.20. All streets within the manufactured home park shall be lighted and lights shall be spaced at a minimum of 200 foot intervals. The first light shall be within 100 feet from the entrance to the manufactured home park.

Section 4.2. Building permit.

A building permit shall be required to be filed in the office of the building inspector for each manufactured home which is henceforth located to or moved within the City of Royston.

Section 4.3. Occupancy permit.

An occupancy permit issued by the building inspector shall be required in advance of occupancy or use of each manufactured home

•Which is hereafter located to the City of Royston;

•Which is moved from one location to a second location within the city where that manufactured housing unit will house persons or property;

•Which has not been occupied within the preceding 12 months; or

•Where there is a change in use of the manufactured housing unit.

Section 4.4. Buffers.

4.41. A minimum buffer strip of at least 20 feet in width shall be located adjacent to each exterior property line of the manufactured home park. The buffer strip shall not be included within any individual manufactured home lot. This buffer strip shall be increased to a total width of 40 feet when the manufactured home park is located adjacent to single-family residences.

4.42. The required buffer strip shall be planted in the setback area and shall consist of evergreen trees and/or shrubs which will normally obtain a height of eight feet within five years. Maintenance of the buffer strip shall be the responsibility of the property owner. Dead trees or shrubs used in the buffer area shall be replaced by the property owner no later than the next spring or fall planting season but no later than 12 months from notification by the building inspector.

4.43. If the buffer area is naturally wooded, then it shall be left in its natural state. If not, the buffer area should be planted with trees to further diffuse from sound, light transmission, and visual impact. The required planting in the setback area shall be planted in such a manner as to preserve the natural topography of the land and the natural growth. If the natural growth is too dense to allow for preferred growth, the natural growth shall be thinned. Under all circumstances, diseased, dangerous or decayed growth shall be removed.

4.44. Any grading, improvements or construction adjacent to the buffer shall be conducted far enough from the buffer area so as not to disturb or encroach upon said buffer area.

Section 4.5. Tiedowns.

4.51. All manufactured homes, HUD and non-HUD approved, located to or moved within Royston, Georgia at or after the adoption of this ordinance shall have tiedowns with provision for distributing the load of these tiedowns and provisions for the attachment of ground anchors so as to resist wind overturning and sliding as imposed by the respective design loads of this section.

4.52. Each tiedown shall be designed to resist an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload without failure.

4.53. Each manufactured home tiedown shall be securely attached to a ground anchor.

Section 4.6. Ground anchors.

4.61. Ground anchors shall be installed at each manufactured home stand when a manufactured home, HUD or non-HUD approved, is located thereon.

4.62. Each ground anchor shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds applied in the direction of the tiedown. In addition, each ground anchor shall be capable of withstanding a 50 percent overload without failure.

Section 4.7. Park landscaping.

4.71. Each manufactured home park shall be landscaped with trees, ground covers, and exterior screen plantings in accordance with a landscape plan submitted with the preliminary plat and approved.

Section 4.8. Signs.

4.81. One identification sign per street frontage not to exceed 60 square feet shall be permitted for each entrance to the manufactured home park. If the sign is lighted, lights shall be nonreflective and shall not shine directly into any residence. Lights must be "spot" type lights, located in the ground, and must illuminate the sign only.

4.82. No identification sign or sign structure shall be placed upon any street or highway right-of-way.

Section 4.9. Lot rental.

4.91. No lot shall be rented for residential use of a manufactured home in any park except for periods of 30 days or more, and no manufactured home shall be admitted to any park unless it can be demonstrated that it meets the requirements of any additional laws and regulations of the governing authority.

Section 4.10. Non-HUD approved manufactured housing units.

Non-HUD approved manufactured housing units may be located to and moved within Royston if said unit conforms to American National Standards Institute (ANSI) 119.1 (1975), also cited as National Fire Protection Association (NFPA) Code 501(b), and has been inspected and approved by the building inspector.

ARTICLE V.

MANUFACTURED HOME PARKS, REQUIRED IMPROVEMENTS

In every manufactured home park, the following street improvements and utilities shall be planned for and provided by the developer, by installation prior to the approval of the manufactured home park.

Section 5.1. General.

5.11. All streets shall be named and marked with signs and all individual manufactured home lots shall be marked by a number. Individual manufactured home lot numbers shall be consecutive and in accordance with the numbering system established by the U.S. postal numbering system. In the event the U.S. postal system chooses not to number the lots, the lots shall be numbered consecutively and begin with the number one. Street names and lot numbers for the manufactured home park shall be noted on the final plat and said plat shall be delivered by the park owner to Royston public service and emergency agencies governing the area in which the manufactured home park is located. Street signs and lot number signs shall be maintained by the park owner.

5.12. Sanitary sewer lines shall be provided to each manufactured home unit if said unit is located within a reasonable distance to an existing trunk line at the time of development of the manufactured home park. If said manufactured home unit is not located within a reasonable distance to an existing trunk line septic tanks, or other approved individual sewage disposal system shall be installed by and at the expense of the developer in conformity with the requirements of the county health department for interim use by each manufactured home.

5.13. Water lines with connection to each individual manufactured home unit if said unit is located within a reasonable distance to an existing trunk line at the time of development of the park. If said manufactured home unit is not located within a reasonable distance to an existing trunk line the developer shall provide an individual water outlet for each manufactured home in conformity with the requirements of the county health department for interim use.

Section 5.2. Road design, base, and paving.

5.21. General. In order to provide for roads suitable in location, width, and improvement, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required.

5.22. [Frontage.] Minimum road frontage for park entrance and exit shall be 60 feet.

5.23. [Widths.] All roads or streets within the park shall have a minimum right-of-way width of 36 feet, and a pavement width of 20 feet.

5.24. Subgrade. This work shall consist of placing, mixing, compacting and shaping the top six inches of soil. This work also includes subgrade stabilization.

5.25. Compaction. The entire surface shall be plowed, harrowed and mixed to a depth of at least six inches. After the material has been thoroughly mixed, the subgrade shall be compacted at 90 percent of the maximum density. Sheepfoot rollers are required. Compaction test shall be at 500 foot intervals and at every two feet of fill material. Any areas that do not meet the specified compaction shall be excavated and replaced with suitable material. Test shall be made by an engineer and test results shall be submitted as conducted to the building inspector. Responsibility for conducting tests and all costs for compaction tests shall be incurred by the developer.

5.26. Subgrade material. The material shall consist of class I or II soil. If such material is not available on site, it shall be furnished by the developer.

5.27. Base. All streets shall have a six inch crusher run stone base or a four inch compacted asphaltic concrete base. All unpaved streets shall be maintained by the park owner in conformance with this section.

5.28. Paving. All streets, when paved, shall have a two inch plant mix asphalt type "E" or "F" top weaving surface, or its equivalent, applied to a properly prepared base. All paved streets shall be maintained by the park owner in conformance with this section.

5.29. Linear street grade. Maximum and minimum linear street grades shall be as follows:

(1) Collector streets--not more than 12 percent.

(2) Local street, cul-de-sac, and dead end streets--not more than 15 percent.

(3) No linear street grade shall be less than one-half of one percent.

Section 5.3. Storm drainage facilities.

5.31. A registered engineer must certify that the proposed storm drainage improvements indicated on the manufactured home park plan are adequate.

5.32. If a storm drainage sewer system exists in the governmental area, then the proposed manufactured home park must contain an underground storm drainage system which will be connected to the existing area system. Such system shall be indicated on the plat.

5.33. If a storm drainage sewer system does not exist in the governmental area, then adequate surface drainage facilities, as certified by an engineer, shall be included in the manufactured home park and so indicated on the plan.

5.34. No manufactured home shall be located in a floodplain.

Section 5.4. Utilities.

5.41. Location. The facilities for underground utilities or conduits for their construction shall be in place prior to final surfacing of streets, or if streets are unpaved, prior to installation of required base. All facilities for utilities shall, where possible, be placed in easements provided for that purpose in the park or located as approved by the board of commissioners. No park street shall be cut for underground utility installation, whether the street is paved or unpaved.

5.42. [Electrical hookups.] Prior to issuing an occupancy permit, electrical hookups must be provided, for each manufactured home unit in accordance with the Georgia Electrical Code.

Section 5.5. Preliminary site plan.

5.51. Prior to development of a manufactured home park, developer shall submit to the planning commission a preliminary plat prepared in ink or pencil on a reproducible medium. The preliminary plat may be a freehand rendering. No improvements shall be installed until the board of commissioners formally approves the preliminary plat. Said approval shall be based on compliance with the standards established in the manufactured home regulations of Royston, Georgia [this ordinance]. The preliminary plat shall illustrate the ultimate development of the entire plat owned by the applicant and shall identify the section for which formal plat approval will initially be requested. The preliminary plat shall be prepared at a scale of not more than one inch equals 100 feet. The preliminary plat shall include at a minimum the following information:

A. Park name and unit if within an existing park.

B. Proposed name, if not within a previously platted park.

C. Name, address, and telephone number of legal owner or agent of the property.

D. Name, address, and telephone number of registered professional responsible for park design, design of improvement, and for survey.

E. Date, scale, and north arrow.

F. Vicinity map.

G. Total acreage.

H. Location of existing property lines, major easement/right-of-way, watercourses, drainage areas and ditches, and distinctive natural features.

I. The location and width of all existing or proposed streets or public ways within or directly adjacent to the subject property.

J. Existing buildings.

K. The approximate location of all proposed or existing lots, and the square footage of the smallest lot.

L. The location of flood hazard areas taken from the Soil Conservation Service maps.

M. Statement of proposed water/sewer supply or collection method.

N. Preliminary plat shall provide information and data relating to surface water runoff as it effects stormwater drainage and impact on adjacent areas.

Section 5.6. Final plat.

The final plat must be submitted to the planning commission for approval by the board of commissioners within 12 months of the date of the approval of the preliminary plat. The final plat shall be prepared by a registered land surveyor and shall conform to the preliminary plat. (See article VI.)

5.61. The final plat submitted shall be in ink on a reproducible medium prepared in accordance with accepted professional standards. The submittal copies shall consist of blackline or blueline prints on a white background, and the submittal shall include such other documents as necessary to meet the requirements of these regulations. The final plat shall be prepared at a scale of one inch equals 100 feet or larger. Sheet size shall be no smaller than 8 1/2 inches by 11 inches. If the entire park cannot be depicted on one sheet, the park may be divided and an index provided. The following shall be contained on the plat:

A. Name of the park.

B. Name, address, and telephone number of developer.

C. Date of survey, date of plat drawing, and revision dates, graphic scale; north arrow with reference of bearings to magnetic, true, or grid north; the longitude and latitude and state plane coordinates; and the mean sea level datum.

D. Location of tract (land district and land lot) and acreage.

E. Index map, when more than one sheet is required to depict plat.

F. Courses and distances to the nearest existing street lines, benchmarks or other recognized permanent monuments shall be accurately described on the plat.

G. Exact boundary lines of the park, to be indicated by a heavy line, giving distance to the nearest 1/100 foot and bearings to the nearest second. Park boundaries shall be determined by accurate survey in the field, and shall be balanced and closed with an error of closure not to exceed one foot in 10,000 feet. The bearing and distance from a first order geodetic control point to the property boundary shall also be shown.

H. The error of closure, as calculated by latitudes and departures, shall be stated. The

benchmark used shall be provided.

I. Municipal, county or land lot lines must be accurately tied to the boundary line of the park by distance and angles, when such lines transverse or are reasonably close to the park. The boundary line of the park must be shown by distance and angles when such lines transverse or are reasonably close to the park.

J. Exact location, right-of-way, widths, names of all streets and alleys within and immediately adjoining the plat, and the lot number of each individual manufactured home lot within the park.

K. Building setback, with dimension.

L. The square footage of the smallest lot.

M. Location, dimensions, and purposes of:

1. Easements, public service utility right-of-way lines; and

2. Sites for other than residential use, with notes stating their purposes and limitations.

N. Accurate location, material and description of monuments and marker.

O. Certifications for final plat approval by the board of commissioners.

Section 5.7. Revision.

No change, erasure, or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the board of commissioners. In no case shall the

board of commissioners approve a revision unless the fact that it is a revised plat is clearly stated thereon.

ARTICLE VI.

PLAT REVIEW PROCEDURE

Section 6.1. General.

When any manufactured home park is proposed and before any permit for the erection of a structure in such proposed park shall be granted, the park owner, or his authorized agent, shall apply for and secure approval of such proposed park in accordance with the following procedure.

(1) The developer shall meet with the building inspector to review a preliminary plat of the proposed manufactured home park and insure compliance wit these, and other appropriate city ordinances and regulations. After receiving approval of the preliminary plat by the building inspector, the

developer shall submit to the building inspector at least 30 days prior to the meeting of the planning commission:

A. A copy of the final plat on reproducible material and all appropriate fees shall be paid. The developer shall also provide any necessary improvements guarantees.

B. The planning commission shall then determine whether all requirements of these or all other governing laws, ordinances, and regulations have been met and recommend to approve, table, or disapprove the final plat. Relying on furnished information, the mayor and council shall make the decision regarding the final plat and notify the developer of the decision.

ARTICLE VII.

INDIVIDUAL MANUFACTURED HOMES

Sec. 7.1. Building permit.

A building permit shall be required to be filed in the office of the building inspector for each manufactured home unit which is henceforth located to or moved within the city.
(Ord. of 6-11-2001, § 1)

Sec. 7.2. Federal standards.

(a) Each newly installed mobile home in the city shall conform to the minimum construction standards required by the U.S. Housing and Urban Development Department before that mobile home is entitled to receive any utility service to such mobile home. It is the intent of this section to prohibit moving mobile or manufactured homes into the city that do not conform to the applicable U.S. Housing and Urban Development Department's construction standards. To that end, no mobile or manufactured home shall be allowed to locate for permanent or temporary occupancy in this city unless that mobile or manufactured home complies with the minimum construction standards required by the U.S. Housing and Urban Development Department and has been inspected by the city code enforcement officer as to the criteria hereinafter set out.

(b) Except as provided in section 26-3, no used mobile or manufactured home being moved into the city shall be allowed to locate for permanent or temporary occupancy in this city if such mobile home is more than seven years old. However, any mobile or manufactured home that is located in the city as of the effective date of this ordinance, shall not be affected by passage of the resolution from which this section was derived and such owner-occupied existing mobile home shall be freely transferable and relocated in the city, unless such existing mobile or manufactured home was manufactured prior to U.S. Housing and Urban Development Department construction standards.
(Ord. of 6-11-2001, § 1)

Sec. 7.3. Homes over eight years old.

No used mobile home more than eight years old being moved into this city shall be allowed to locate for permanent or temporary occupancy in this city unless:

(1) Such mobile home has been occupied by the applicant owner for the previous consecutive 12 months as his or her principal residence immediately prior to its being moved into this city. Furthermore, no such mobile home shall be moved into this city to be used for a purpose other than occupancy by its owner as his or her principal residence; and

(2) If such mobile or manufactured home is eight years or older, it may be allowed to be located within the city after passing an inspection by the city code enforcement officer and paying the fee therefor. The criteria for the inspections and fee schedule is as hereinafter set out. Local governments and building inspectors cannot be held liable for problems after inspections.

(Ord. of 6-11-2001, § 1; Ord. of 9-14-2010, § 1)

Sec. 7.4. General.

Each individual manufactured home unit shall be subject to the following criteria:

7.41. Minimum lot area for each manufactured home unit shall be as follows:

(1) One and one-half acre if manufactured home will be served by a well and sewage disposal system;

(2) One acre if manufactured home will be served by a community water system and individual sewage disposal system;

(3) Three-quarters of an acre if manufactured home will be served by an individual well and community sewage disposal system;

(4) One-half acre if manufactured home will be served by a community water and sewage disposal system.

7.42. Each manufactured home unit shall have steps sufficient to provide ingress and egress from two exterior doors of said unit in conformance with the applicable provisions of section 4.16.

7.43 In no case shall a manufactured home unit be located within 20 feet from required buffer.

7.44 The manufactured home unit must be supported by piers and the foundation must be enclosed as prescribed in section 4.18.

7.45 Yard setback and unit orientation requirements shall be as follows: front yard--20 feet from road right-of-way or 50 feet from centerline of city streets; side yard--20 feet; and rear yard--20 feet.

7.46 Each manufactured home unit must have tiedowns in accordance with section 4.5.

7.47 Each manufactured home unit must have ground anchors installed in accordance with section 4.6.

(Ord. of 6-11-2001, § 1)

Sec. 7.5. Sewer.

If a trunk sewer line is in existence, each manufactured home unit shall be connected to said line prior to the first occupancy of the unit. If a trunk sewer line is not available prior to the first occupancy of the unit, said unit shall be connected to a septic tank or other approved disposal device in conformity with the requirements of the county health department.
(Ord. of 6-11-2001, § 1)

Sec. 7.6. Water.

If a water main is in existence, each manufactured home unit shall be connected to said main prior to the first occupancy of the unit. If a water main is not available prior to the first occupancy of the unit, said unit shall be provided water in conformity with the requirements of the county health department.
(Ord. of 6-11-2001, § 1)

Sec. 7.7. Utilities.

Each manufactured home unit must have electrical service that is wired in accordance with the Georgia Electrical Code prior to the first occupancy of the unit.
(Ord. of 6-11-2001, § 1)

Sec. 7.8. Certificate of occupancy.

No person may occupy a home described in this division after January 1, 2001, without a certificate of occupancy issued by the city code enforcement officer. A certificate of occupancy shall be issued within five working days after satisfactory final inspection by the city code enforcement officer. Final connection of utilities will not be performed by any public utility provider to such a home until a certificate of occupancy has been issued.
(Ord. of 6-11-2001, § 1)

Sec. 7.9. Conditions for moving into city.

Notwithstanding anything to the contrary, a mobile or manufactured home may be moved into this city provided the following conditions are met:

(1) A mobile or manufactured home that does not meet the requirements of this division and a mobile or manufactured home that is located in this city and was manufactured prior to U.S. Housing and Urban Development Department standards may be transferred to a county licensed dealer authorized to buy and sell mobile homes for location at such dealer's place of business for sale or transfer outside of this city. In no event shall this exception allow any person to live in such mobile or manufactured home or allow such home to receive any utility service.

(2) All mobile or manufactured homes must be installed in this city in compliance with the rules and regulations for manufactured housing of the state commissioner of insurance, O.C.G.A. § 120-3-7.

(Ord. of 6-11-2001, § 1)

Sec. 7.10. Inspection checklist for location of mobile homes in the city.

(a) *Electric.*

(1) All light fixtures must be in good condition to work properly;

(2) Plugs and switches must be installed and have cover plates in place;

(3) No loose wiring will be permitted;

(4) Panel box must meet NEC regulations;

(5) Mobile or manufactured homes must be checked underneath for any violations as to wiring or installation;

(6) Smoke alarms must be installed and working properly;

(7) All applicable NEC codes, 1996 edition, must be adhered to.

(b) *Plumbing.*

(1) Fixtures must be installed and working properly;

(2) Water and drain lines must be free of leaks;

(3) Water heater must be in good condition and installed correctly;

(4) Must meet all applicable standard plumbing codes, 1994 edition.

(c) *HVAC Heating system.*

(1) Venting, if required on heat unit, must be properly installed and working properly;

(2) Grills must be installed properly;

(3) Only heating systems allowed by standard mechanical code shall be acceptable;

(4) Must meet all applicable standard mechanical codes, 1994 edition.

(d) *Mobile or manufactured home unit.*

(1) Glass must be in doors and windows;

(2) Doors must open and close properly;

(3) No missing doors or windows will be allowed;

(4) Roof must be in good condition with no leaks;

(5) Floor must be in good condition with no holes or decay;

(6) Ceilings must be in good condition with no missing drywall or other materials;

(7) Outside of unit must not have missing metal sheets, panels, siding, etc.;

(8) Any major damage which occurs from removing decks and porches must be repaired;

(9) Any kitchen appliances must pass applicable electric/plumbing codes as to installation and condition;

(10) Floor coverings must be free from any damage that would cause possible injury or health problems, such as loose seams in vinyl or tile or loose seams or torn places in carpet;

(11) All applicable standard building codes must be adhered to;

(12) Must have the appropriate Housing and Urban Development decal affixed.

(Ord. of 6-11-2001, § 1)

Sec. 7.11. Inspections outside the city.

Mobile or manufactured homes between eight and ten years old are allowed to be moved into the city only after passing an inspection as hereinabove set out. These inspections outside the city shall be:

(1) Limited to a 35-mile radius of Royston, Georgia, with none accepted outside this radius;

(2) Inspections to be conducted by the city code enforcement officer;

(3) Limited to one day per week;

(4) Subject to the following fees: $75.00 inspection fee plus $0.32 per mile. These fees are in addition to the $75.00 permit fee for mobile homes, which includes inspection fees on mobile homes after being located inside the city.

Mobile or manufactured homes seven years old or newer being moved into the city will be inspected under the above criteria after being located inside the city and the $75.00 permit fee shall cover these inspections.

(Ord. of 6-11-2001, § 1)

ARTICLE VIII.

ADMINISTRATION, ENFORCEMENT AND PENALTIES*

* **Cross References:** Administration, ch. 2.

The mayor and council are hereby given the authority and responsibility to appoint the building inspector to enforce the provisions of this manufactured home ordinance. For purposes of enforcing this ordinance, the building inspector shall be a sworn officer of the city. Any person or party found in violation of this ordinance shall first receive from the building inspector a 30-day citation. During said 30-day period, the person or party found in violation of this ordinance shall either correct the situation for which the citation was issued or begin appeal process. Any person or party aggrieved by a decision, order, requirement, or interpretation of this ordinance by said enforcement officer may appeal said decision in conformance with appeal procedures of article IX.

Any person violating any provision of these regulations shall be guilty of a violation of a city ordinance and upon conviction, shall be punished for each offense according to the law. Each day such violation continues shall be considered a separate offense.

ARTICLE IX.

APPEALS

Any person or persons, jointly or severally aggrieved by any decision (including the failure to decide within 30 days upon submission of all documents required by this ordinance) of the building inspector shall have the right of appeal to the planning commission, if such appeal is filed with the secretary of the commission within 30 days of the rendering of the decision by the building inspector.

Any person or persons, jointly or severally aggrieved by any decision (including failure to decide within 30 days upon submission of all documents required by this ordinance) of the planning commission shall have the right of appeal to the mayor and council, if such appeal is filed with the city clerk within 30 days of the rendering of the decision by the planning commission.

Any person or persons, jointly or severally aggrieved by any decision of the mayor and council shall have the right of appeal to a court of law if such appeal is filed with the clerk of the court within 30 days of the rendering of the decision by the mayor and council.

ARTICLE X.

LEGAL STATUS PROVISIONS

When the provisions of these regulations impose more restrictive standards than are required in or under any statute or other legal document, the requirements of these regulations shall govern.

If any portion of these regulations is found to be unconstitutional, such invalidity shall not effect any other portion of these regulations.

All regulations and parts of regulations in conflict with these regulations are hereby repealed.

CODE COMPARATIVE TABLE
1984 CODE

This table gives the location within this Code of those sections of the 1984 Code which are included herein. Sections of the 1984 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

1984 Code Section	Section this Code
2-201	34-2
2-203	34-1
2-401--2-403	34-2--34-4
3-103	2-87
3-204	2-41
3-204(2)	2-42
3-205	2-26
3-206	2-43
3-206(1)	2-44
3-206(4), 3-206(5)	2-45, 2-46
3-206(5)(c)	2-64
3-206(6)-- 3-206(8)	2-47--2-49
3-206(9)	2-61
3-206(9)(b), 3-206(9)(c)	2-62, 2-63
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