Cleveland City Council Meeting Agenda

Monday, June 15, 2026 at 6:30 PM
Oak Springs Community Center – 342 Campbell Street, Cleveland, GA

CALL TO ORDER

INVOCATION

1. Pastor Burnetta Armour, First Presbyterian Church of Cleveland, and White County Ministerial Alliance

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

PUBLIC COMMENTS

PUBLIC HEARING

2. Second Public Hearing and Consideration - Ordinance 2026-01 Repealing and Adopting the City of Cleveland Code of Ordinances

3. Consider a request from Cleveland First Methodist Church, Inc proposing to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.

DEPARTMENT REPORTS

4. Economic Development and Planning Director Tom O'Bryant – May 2026 Report

5. Finance Director John Solmon – April 2026 Report

6. Fire Chief Jason Bryant – May 2026 Report

7. Police Chief Jeff Shoemaker – May 2026 Report

8. Public Works Director Ricky Hunt – May 2026 Report

9. Water Resources Wastewater/Water Laboratory Technician Bradley Filaski – May 2026 Report

NEW BUSINESS

10. Approve Resolution 2026-07 Adopting the Master Fee Schedule for the City

11. Resolution 2026-08 Establishing the Parks and Recreation Board

12. Request for sanitation services and road closures of Brooks Street, Quillian, and a portion of East Underwood Streets for the Special Event, America 250 Celebration, scheduled for Saturday, July 4, 2026

13. Approve MountainCraft Builders, LLC Change Order #3 - Funded by SPLOST

14. Approve Resolution 2026-09 to Maintain a Temporary Moratorium on the Regulation of CBD Stores.pdf

15. Approve Resolution 2026-10 to Maintain a Temporary Moratorium for New Smoke-Vape Shops for up to Twelve Additional Months

CALLED MEETING/MEETING MINUTES

16. Approve June 1, 2026, Meeting Minutes

17. Approve June 4, 2026, Called Meeting Minutes

EXECUTIVE SESSION MINUTES

18. Approve June 1, 2026, Executive Session Minutes

CITY ATTORNEY KEITH WHITAKER

CITY MANAGER KEVIN HARRIS

ANNOUNCEMENTS

19. The Planning and Zoning Meeting scheduled for Thursday, June 25, 2026, has been cancelled

20. City of Cleveland Offices will be closed on Friday, July 3, 2026 in observance of Independence Day

21. The Cleveland/White County 250th Run for Freedom 5K will be held on Saturday, July 4, 2026, at Freedom Park. Registration is at 7:00 a.m., the 5K will be held at 8:00 a.m.

22. The Cleveland/White County 250th Fireworks Celebrations are scheduled for July 4th beginning at 5:00 p.m. Celebrations begin with an opening ceremony then throughout the evening, music, games, vendors, etc. will be continue until the fireworks begin at dark.

23. The City Council Meeting scheduled for Monday, July 6, 2026, has been cancelled

24. The White County Water Authority Meeting is scheduled for Thursday, July 9, 2026, at 7:30 a.m. at the White County Water Authority

25. The Downtown Development Authority meeting is scheduled for Thursday, July 16, 2026, at 3:00 p.m. at the White County Chamber of Commerce

26. The next Cleveland City Council Meeting is scheduled for Monday, July 20, 2026, at 6:30 p.m. at the Oak Springs Community Center

EXECUTIVE SESSION

27. Real Estate

ADJOURN

Executive Summary-
Public Hearing #2 and Consideration for Adoption

Following last year's session, Governor Brian Kemp signed House Bill 592 and our new charter went into effect on July 1, 2025. Following this action, we began reviewing our Code of Ordinances and realized that our code needed a comprehensive review. While the original purpose was to ensure alignment with the new charter, a number of other opportunities over the last fiscal year became apparent.

In short, the proposed charter improves our Code in the following areas:

- **Compliance with State and Federal Law**: To improves areas of our local code to conform with changes in state statutes, federal laws, court decisions, and regulatory requirements.
- **Removal of Obsolete Provisions**: To eliminate outdated, unenforced able, or superseded regulations that no longer reflect current practices or legal standards.
- **Clarification and Modernization**: To improve readability, consistency, and organization, including updating terminology, definitions, and gender-specific language.
- **Reflecting Current Operations**: To align the code with the our city's current governmental structure, boards and commissions, departmental responsibilities, and administrative procedures.
- **Addressing New Issues**: To regulate emerging concerns such as short-term rentals, e-commerce, areas where no previous code existed, public safety issues, environmental matters, or changing community needs.
- **Reducing Exposure**: To identify and correct provisions that may be unconstitutional, ambiguous, conflicting, or difficult to enforce.
- **Improving Enforcement:** To provide clear standards and procedures for residents, businesses, city staff, and enforcement officials.
- **Codification of Recent Ordinances**: To incorporate ordinances adopted over time into a single, organized code so that the city's laws are current and accessible.
- **Promoting Transparency and Public Access:** To make local laws easier for residents, businesses, developers, and city officials to understand and follow.
- **Supporting Economic Development**: To ensure regulations are clear, predictable, and consistent with current planning, zoning, and business objectives.

Chapters 1 and 2-General and Administrative Operations

Most of the administrative changes to implement the new charter are included in the definitions, updated language, structure and procedures established within the first two chapters. The new code now aligns with the new charter.

Chapter 4-Alcoholic Beverages

A number of changes have been made to Chapter 4 to make the City's regulations more consistent with those of comparable North Georgia communities. These changes include

authorizing happy hour promotions for restaurants licensed to sell alcoholic beverages for on-premises consumption, acknowledging the current economic opportunities in this growing Georgia mountain region, providing additional revenues opportunities already available in surrounding community and creating an environment that is prepared for current and potential future economic development trends. These amendments are intended to provide greater flexibility for local businesses and community events while maintaining some level of appropriate regulatory oversight.

Chapter 8-Animals

Removes antiquated language and obsolete references section to ordinances that are no longer in effect, replacing them with durable references to applicable state law and other provisions that will remain current over time. This approach reduces the need for future amendments and helps ensure the code remains accurate and enforceable as laws change.

Chapter 12-Article VII (Hotels/Motels)

Amends Chapter 12 (Hotels and Motels) to strengthen oversight and accountability by establishing uniform recordkeeping requirements, including sequential folio numbering, matching reservation records, and documentation of all registered guests over the age of 18 with appropriate identification.

Chapter 16-Municipal Court

Amends the Municipal Court section to modernize terminology, align titles and duties with current organizational structure, and clarify applicable code sections for improved consistency and interpretation.

Chapter 20-Emergency Services

Our last update to this section, according to our local code, was 1970. Since that time local emergency management has evolved from a limited civil-defense function that was primarily still focused on wartime (nuclear) preparedness into broader natural disaster preparedness and response (floods, storms, technological hazards) over the next 2 decades. Today, public safety is a more formalized, federally integrated, all-hazards system focused on preparedness, coordination, mitigation, and recovery, with much higher expectations for planning, training, and intergovernmental cooperation. Common language like 911, E911, Georgia Emergency Management Agency (GEMA), FEMA, Homeland Security, Incident Command System (ICS) and a formalized public safety structure at the local, state and federal level have developed since our last code was revised.

Our new code has advanced more than 50 years with this revision and now more closely reflects the way we actually operate.

Chapter 24-Fees, Fines and Other Charges

Instead of fees and various other charges defined in chapter 24 or multiple sections of the code, we are making a methodical effort to established a duly adopted fee schedule. The fee schedule will be amended from time to time by the mayor and council shall be maintained separately from the Code.

Chapter 26-Fire Prevention and Protection

Similar to Chapter 20, Chapter 26 required a number of revisions and modifications to reflect modernization to our current department, structure and processes.

Sec. 26-56.1. Fire Marshal's Office

Establishes a fire marshal's office. The proposed FY 26/27 budget provides the resources to establish this function beginning July 1, 2027.

Sec. 26-63. Fees and charges for fire and other emergency services.

The fees for fire and other emergency response services shall be as provided in chapter 24. The fire chief and finance director are hereby directed to issue invoices to insurance companies for such fire services and to collect such fees on behalf of the city and to deposit such fees in an account that shall be exclusively used to purchase equipment, training, services and supplies for the city fire department.

Chapter 28 Health and Sanitation

This section has been revised to clarify that the City relies upon the County Board of Public Health and applicable state law where appropriate. The previous provisions contained outdated references, including citations to amended or repealed sections, and have been updated for accuracy and consistency.

Chapter 32-Law Enforcement

This has been reviewed and includes revisions to the structure and duties as requested by the Police Chief.

Chapter 38-Parks and Recreation

Chapter 38 is amended to reestablish and clarify the composition of the Parks and Recreation Board to support enhanced oversight and coordination during a period of significant anticipated capital investment in parks and recreation facilities over the next 24 months. The Board shall consist of five members, with the mayor and each member of the City Council shall appoint one member. Of those, one member of the five should be an elected official of the City. This structure is intended to provide balanced representation and ensure effective governance and oversight of planned investments and improvements within the City's parks and recreation system.

Chapter 43-Dealers in Gems and Precious Metals

Establishes a new code section for dealers in gems and precious metals. This addresses a void that was discovered in our previous code.

Chapter 48

Ensures urban camping ordinance is incorporated into new code.

Chapter 58

Incorporates needed updates as requested by Director of Water Resources.

Chapter 64

Adds “Event Hall” to B-2, Highway Commercial District and clarifies one of the processes already established in the enforcement section.

ORDINANCE 2026-01
AN ORDINANCE OF THE CITY OF CLEVELAND, GEORGIA, REPEALING THE EXISTING CODE OF ORDINANCES IN ITS ENTIRETY BYADOPTING A REVISED, REORGANIZED, RENUMBERED, AND RECODIFIED CODE OF ORDINANCES.

WHEREAS, the Charter of the City of Cleveland became eйective on July щ щнщь; and
WHEREAS, following adoption of the Charter, the City undertook a comprehensive review and modernization of its Code of Ordinances to ensure consistency with the Charter, current state law, municipal operations, and community needs; and

WHEREAS, since July щ щнщь, the process commenced to review, amend, revise, and updated numerous provisions governing all areas including zoning, business regulation, licensing, administration, public safety, utilities, fees, penalties, and municipal operations; and

WHEREAS, the City has completed a comprehensive recodification, reorganization, and modernization of its Code of Ordinances; and

WHEREAS, the Mayor and Council will consider later this evening adopting Resolution щнщь-чю which includes a consolidated and separate Master Fee Schedule as part of this recodification process ; and

WHEREAS, the Mayor and Council find that the public health, safety, and welfare are best served by repealing the existing Code of Ordinances and adopting a revised and recodified Code as the oк cial Code of the City of Cleveland;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CLEVELAND, GEORGIA:

SECTION 1.
REPEAL OF EXISTING CODE.

Eйective immediately upon adoption of this Ordinance, the existing Code of Ordinances of the City of Cleveland, Georgia, together with all amendments thereto, is hereby repealed in its entirety and shall have no further force or eйect except as expressly preserved by this Ordinance.

SECTION 2.
ADOPTION OF RECODIFIED CODE.

Simultaneously with the repeal provided in Section щ the revised, reorganized, renumbered, and recodified Code of Ordinances of the City of Cleveland, Georgia, attached hereto, incorporated herein by reference, and transmitted for publication and codification, is hereby adopted as the oк cial Code of Ordinances of the City of Cleveland, Georgia.

The Code adopted herein shall supersede all prior codified ordinances of a general and permanent nature.

SECTION 3.
MASTER FEE SCHEDULE.

The Master Fee Schedule adopted by Resolution щнщр-чюоп the same date in a separate document as this Ordinance is hereby incorporated into the Code by reference and shall constitute the ок cial schedule of fees, rates, charges, administrative costs, penalties, assessments, deposits, and other amounts authorized by law unless subsequently amended.

SECTION 4.
SAVINGS CLAUSE.

The repeal of the prior Code shall not айect:

(a) Any ойense committed or violation occurring prior to the ейective date of this Ordinance;

(b) Any prosecution, enforcement action, administrative proceeding, citation, or court proceeding pending on the ейective date of this Ordinance;

(c) Any fine, penalty, forfeiture, fee, charge, tax, assessment, debt, or liability previously imposed or incurred;

(d) Any contract, franchise, agreement, easement, license, permit, variance, approval, development order, vested right, or lawful entitlement existing prior to the ейective date of this Ordinance;

(e) Any bond, obligation, indebtedness, or financial commitment of the City or any other person.

All such matters shall continue in full force and ейect as though this Ordinance had not been adopted.

SECTION 5.
CONTINUATION OF LEGISLATIVE INTENT.

The provisions of the Code adopted hereby shall be construed as a continuation and recodification of existing law except where amendments were intentionally adopted by the Mayor and Council. The repeal and reenactment of provisions shall not be construed as creating a lapse in the continuity of municipal law.

SECTION 6.
CODIFICATION AUTHORITY.

The City Clerk, City Manager, City Attorney, and any authorized codification service are hereby authorized and directed to make such non-substantive revisions as may be necessary to properly publish and codify the Code, including:

(a) Renumbering chapters, articles, divisions, sections, subsections, tables, appendices, exhibits, and references;

(b) Correcting typographical, grammatical, punctuation, formatting, numbering, lettering, citation, and scrivener's errors;

(c) Correcting internal and external cross-references;

(d) Revising captions, headings, titles, indexes, and tables of contents;

(e) Incorporating the Master Fee Schedule and ordinances adopted as part of the recodification process into their proper locations within the Code;

(f) Making such technical and editorial corrections as are necessary to accurately reflect the actions of the Mayor and Council.

No substantive change to the meaning, application, scope, penalty, fee, duty, right or legal eиect of any ordinance may be made pursuant to this Section.

SECTION 7.
AUTHORITY TO TRANSMIT.

The City Clerk is authorized and directed to transmit the recodified Code, Master Fee Schedule, and all related materials for publication, codification, indexing and incorporation into the oк cial records of the City.

SECTION 8.
SEVERABILITY.

Should any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance or the Code adopted hereby be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not aиect the validity of the remaining portions.

SECTION 9.
EFFECTIVE DATE.

This Ordinance shall become eиective immediately upon its adoption by the Mayor and Council. Upon adoption, the previously existing Code of Ordinances shall be repealed and the recodified Code adopted herein shall become the oк cial Code of Ordinances of the City of Cleveland without interruption.

RESOLVED this шь th day of June, щнщр.

_____		_____	
Josh Turner	Mayor	Jeremy McClure	Council Member District 3
_____		_____	
Nan Bowen	Council Member District 1 Mayor Pro Tem	C.J. McDonald	Council Member District 4
		ATTEST:	
_____		_____	
Annie Sutton	Council Member District 2	Lisa A. Ritchie	City Clerk

шfᵗ Public Hearing: June щ щнщр
щᵖᵈ Public Hearing and Consideration: June шь, щнщр

Chapter 1 GENERAL PROVISIONS[1]

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

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the City of Cleveland, Georgia," and may be so cited. This Code may also be referred to by the shortened form "Cleveland Code."

State law reference(s)—Authority to adopt ordinances for regulation of matters for which no provision has been made by general law, O.C.G.A. § 36-1-20; duty to codify ordinances, O.C.G.A. § 36-80-19.

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

As used in this Code, the following terms and phrases shall have the meanings indicated unless otherwise specifically provided, and the following rules of construction shall be applied:

Applicability. In the construction of this Code and of all ordinances, the rules of construction included in this section shall be observed, unless such construction is inconsistent with the manifest intent of the city council. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which contain any express provisions excluding such construction or where the subject matter or context of the section may be repugnant thereto.

As soon as possible. The term "as soon as possible" means within a reasonable time, having due regard to all the circumstances.

Chief executive officer. The term "chief executive officer" means the city or, if there is no duly appointed and acting city manager, the mayor of the city.

City. The terms "the city" or "this city" means Cleveland, Georgia.

City council. The term "city council" means the governing authority of Cleveland, Georgia.

Code. The term "Code" refers to The Code of Ordinances of the City of Cleveland, Georgia, also referred to as the "Cleveland Code."

Computation of time. When a *specified number of days is provided for the exercise of a right or the performance of a duty, the time period shall be calculated by counting the first and last day. If the last day falls on a Saturday, Sunday, or legal holiday recognized by state law, the deadline shall extend to the next business day. If the*

[1]State law reference(s)—Municipal Home Rule Act, O.C.G.A. § 36-35-1 et seq.; home rule for municipalities, O.C.G.A. § 36-35-3; limitations on home rule for municipalities, O.C.G.A. § 36-35-6; authority to adopt ordinances for regulation of matters for which no provision has been made by general law, O.C.G.A. § 36-1-20; duty to codify ordinances, O.C.G.A. § 36-80-19; inspection of public records, O.C.G.A. § 50-18-70 et seq.; requirements for publication of code, O.C.G.A. § 36-80-19; maximum penalties that may be imposed by municipalities, O.C.G.A. §§ 36-32-1, 36-32-5, 36-35-6; additional penalties and bond in certain criminal and traffic cases, O.C.G.A. § 15-21-73; authority to impose community service as punishment, O.C.G.A. § 17-10-1; alternative sentences by municipal courts, O.C.G.A. § 36-32-5; municipal corporation defined, O.C.G.A. § 36-30-1.

prescribed time period is less than seven days, Saturdays, Sundays and legal holidays occurring between the first and last day shall not be counted.

Conjunctions. Where a provision involves two or more items, conditions, provisions, or events connected by any of the conjunctions "and," "or," "either … or," or "neither … nor," the conjunction shall be interpreted as follows, provided that in appropriate cases the terms "and" and "or" are interchangeable:

(1) The term "and" indicates that all the connected items, conditions, provisions or events shall apply.

(2) The term "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(3) The terms "either … or" and "neither … nor" indicate that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

County. The term "county" means White County, Georgia.

Court. The term "court" means the city court.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to the required act or perform the required duty unless the terms of the provision designate otherwise.

Department; city council; agency. The name or title of any department, city council, or agency, unless otherwise specifically stated otherwise, shall be read as though the term "of the City of Cleveland, Georgia" were added thereto.

Fee Schedule or Schedule of Fees and Charges. The terms “fee schedule” and “schedule of fees and charges” mean the official schedule adopted by the mayor and council, as amended from time to time, establishing rates for utilities and other public services, fees, deposits, and related charges imposed by the city. A current copy of the adopted fee schedule shall be maintained by the city clerk and available on the city website.

Fiscal Year. *The term “fiscal year” means the twelve-month budget and accounting period beginning July 1 and ending June 30 of the following year.*

Gender. Words importing one gender shall include the other gender. References to a person or individual may include a natural person, corporation, partnership, limited liability company, firm, association, organization, trust, or other legal entity, unless the context clearly indicates otherwise.

Governing authority, governing body. The term "governing authority" or "governing body" means the city council of Cleveland, Georgia.

Incorporated limits or *incorporated areas of the city.* The term "incorporated limits" or "incorporated areas of the city" means all areas of the city that are not situated within the territorial limits of any other incorporated town or city.

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

Joint authority. Whenever a joint authority is given to three or more persons or officers, it shall be construed as giving such authority to a majority of them.

Judge. The term "judge" means the judge of the municipal court.

Keeper, proprietor. The terms "keeper" and "proprietor" mean and include persons as the term "person" is defined herein, whether acting by themselves or through an agent or employee.

Law. The term "law" means and denotes applicable federal law, the state constitution and statutes, this Code, ordinances and resolutions of the city, and, when appropriate, any and all rules and regulations that may be promulgated thereunder.

Liberal construction; minimum requirements; overlapping provisions.

(1) The ordinary signification shall be applied to all words, except words of art or words connected with a particular trade or subject matter when they shall have the signification attached to them by experts in such trade or with reference to such subject matter.

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

(3) All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully conducted. In the interpretation and application of any provision of this Code, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare.

May. The term "may" is to be construed as being permissive.

Month. The term "month" means a calendar month.

Nontechnical and technical words. Words and phrases shall be constructed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. The singular number shall include the plural, and the plural number shall include the singular.

O.C.G.A. The abbreviation "O.C.G.A." refers to the Official Code of Georgia Annotated.

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

Officials or *officers.* Whenever reference is made to officials, councils, commissions, departments or other municipal agents by title only, such reference shall be read as though followed by the term "of Cleveland, Georgia."

Ordinance. The term "ordinance" means a legislative act of the city of a general and permanent nature.

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

Person. The term "person" includes an individual, corporation, firm, partnership, association, organization, or any other legal entity or group acting as a unit. Words importing the masculine gender shall include the feminine gender, and words importing the singular shall include the plural and vice versa, as the context may require.

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

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Premises. Whenever the term "premises" is used it shall mean place or places.

Property. The term "property" includes real, personal, and mixed estates and interests.

Public place. The term "public place" means any park, cemetery, shopping center, schoolyard, or open space adjacent thereto, or any area available accessible to the public, regardless of whether privately or publicly owned, and any place that the public is invited or permitted to go or to congregate.

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

Reasonable time or *reasonable notice.* The term "reasonable time" or "reasonable notice" shall be deemed to mean only such time as may be necessary for the prompt performance of the act required.

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

Resolution. The term "resolution" means a legislative act of the city council of a special or temporary character.

Shall. The term "shall" is mandatory.

Sidewalk. The term "sidewalk" means any portion of a street between the curbline and the adjacent property line, intended for the use of pedestrians, but shall not include any unimproved area between the curbline and improved walkways.

Signature, subscription. The term "signature" or "subscription" includes a mark intended as such when the person cannot write.

State. The term "state" or "this state" means the State of Georgia.

Statute. The term "statute," unless otherwise specifically stated, refers to the indicated portion of the Official Code of Georgia Annotated.

Street. The term "street" means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, viaduct or bridge, and the approaches thereto, within the city.

Tenant or *occupant.* The term "tenant" or "occupant," when applied to a building or to land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

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

Week. The term "week" means seven days.

Will. The term "will" is to be construed as being mandatory.

Writing or written. The terms "writing" and "written" include printing and any other mode of representing words and letters.

Year. The term "year" means a calendar year.

(Comp. Ords. 1970, §§ 1-101, 1-102; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Statutory definitions and rules of construction, O.C.G.A. § 1-3-1 et seq.; construction of statutory definitions, O.C.G.A. § 1-3-2; general statutory definition, O.C.G.A. § 1-3-3.

Sec. 1-3. Catchlines; notes; references.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, not 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 or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are intended merely to indicate the source of matter contained in the section. Editor's notes, Charter references and state law references that appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

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

(Comp. Ords. 1970, § 1-103)

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

Sec. 1-4. Effect of repeal or expiration of Code section.

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

(b) The repeal of an ordinance that rescinded an earlier ordinance or Code provision shall not revive the earlier ordinance or provision unless expressly stated.

(Ord. No. 2026-01, 6-15-2026)

Sec. 1-5. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the councilmembers. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum 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. 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. Charter amendments may be included in like manner.

(b) In the preparation of a supplement to this Code, all portions of the Code that 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, agency or organization 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 _____ through _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning 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.

(Ord. No. 2026-01, 6-15-2026)

Sec. 1-6. Amendments to Code.

(a) All ordinances passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection of this Code or any portion thereof, such repealed portions may be excluded from this Code by omission from reprinted pages. 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 as this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the city council.

(b) Amendments to any of the provisions of this Code shall 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 of the City of Cleveland, Georgia, is hereby amended to read as follows:…." The new provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That The Code of Ordinances of the City of Cleveland, Georgia, is hereby amended by adding a section, to be numbered _____, which said section reads as follows:…." The new section shall then be set out in full as desired.

(d) All sections, articles, chapters or provisions to be repealed must be specifically repealed by section, article or chapter number, with reference to the subject matter, 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, to insert or delete pages or portions thereof, or to alter or tamper with this Code in any manner whatsoever, except by ordinance or resolution or other official act of the city council.

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

Sec. 1-8. Exclusion of special or temporary ordinances.

Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, or be deemed a part hereof.

Sec. 1-9. Form of Code; repository; maintenance.

A copy of this Code shall be kept on file in the office of the city clerk, preserved in looseleaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk or his designee to insert in their designated places all resolutions, general resolutions and ordinances that indicate the intention of the city council to make the same a part of this Code, when the same have been printed or reprinted in page form, and to extract from this Code all provisions that may be from time to time repealed by the city council. A copy of this Code shall be available in the office of the city clerk for examination by all persons.

State law reference(s)—Inspection of public records, O.C.G.A. § 50-18-70 et seq.; requirements for publication of code, O.C.G.A. § 36-80-19.

Sec. 1-10. Responsibility of city personnel with respect to assigned copies of Code.

Each city official or employee assigned a copy of this Code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each such copy shall remain the property of the city and shall be turned over by the official or employee having custody thereof, upon expiration of his term of office or employment, to his successor or, should he have no successor, to the city clerk.

Sec. 1-11. Prior offenses, penalties, contracts or rights not affected by adoption of Code.

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

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

(Ord. No. 2026-01, 6-15-2026)

Sec. 1-12. Continuation of existing ordinances.

The provisions appearing in this Code, so far as they are substantially the same as ordinances existing at the time of the effective date of this Code, shall be considered continuations thereof and not as new enactments.

Sec. 1-13. Certain ordinances not affected by Code.

(a) 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 rates, fees or charges consistent with this Code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds for the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;

(3) Any ordinance or resolution consistent with this Code prescribing traffic regulations for specific locations, such as prescribing through streets, parking limitations, parking prohibitions, one-way traffic or limitations on loads of vehicles or loading zones;

(4) Any ordinance or resolution consistent with this Code fixing salaries of or providing policies and programs for, or providing retirement, disability or death benefits for, officials, officers or employees of the city;

(5) Any budget ordinance or appropriation ordinance or any ordinance levying any tax;

(6) Any right or franchise granted by any ordinance or resolution;

(7) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or vacating any street or public way in the city;

(8) Any ordinance establishing and prescribing the street grades of any street in the city;

(9) Any ordinance providing for local improvements or assessing taxes therefor;

(10) Any ordinance dedicating or accepting any plat or subdivision within the city;

(11) Any zoning ordinance, any ordinance regulating subdivisions, any ordinance regulating signs, or any ordinance regulating building design standards;

(12) Any ordinance or resolution adopted for purposes that have been consummated;

(13) Any ordinance that is temporary, although general in effect, or special, although permanent in effect; and

(14) Any resolution of the city not in conflict with this Code.

(b) All such ordinances or resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-14. Severability of parts of Code.

If any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, it shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

(Comp. Ords. 1970, § 1-104)

State law reference(s)—Severability of state legislation, O.C.G.A. § 1-1-3.

Sec. 1-15. Conflicting regulations.

(a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.

(b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

(c) If any of the provisions hereof conflict, and the conflict cannot be resolved by application of subsections (a) and (b) of this section, the more stringent regulation shall apply and the specific provision shall prevail over the general.

Sec. 1-16. General penalty; continuing violations; violations as public nuisance.

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

(1) Doing an act that is prohibited, made, or declared to be an unlawful act, an offense, or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;

(2) Failure to perform an act that is required to be performed by ordinance, rule, or regulation authorized by ordinance; or

(3) Failure to perform an act if the failure is declared a misdemeanor, an offense, or an unlawful omission by ordinance, rule, or regulation authorized by ordinance.

(b) The phrase "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context of this Code that it is the intent of the city to impose the penalty provided for in this section upon the city officer or employee.

(c) Except as otherwise provided in this Code or by general law, a person convicted of a violation of this Code shall be punished by a fine not exceeding $1,000.00, imprisonment for a term not exceeding 30 days or work on the streets or public works for a period not exceeding 90 days, or both, or any combination thereof.

(d) All sentences must be in the alternative, and fines may be imposed with the alternative of the other punishment in the event the fines are not paid.

(e) Except as otherwise provided in this Code, each day that a violation of this Code continues shall constitute a separate offense.

(f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law. Furthermore, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rules, regulation or order shall be deemed a public nuisance and may be abated by the city as provided by law.

(g) The imposition of a penalty does not prohibit equitable relief.

(h) The imposition of a penalty does not prohibit revocation or suspension of a license, permit, or franchise or the imposition of other administrative sanctions.

(i) All fines shall be paid into the city treasury.

(j) In the event community service is substituted for a fine, the monetary rate for hourly work shall be the federal minimum hourly wage.

(k) If it is deemed by a court of competent jurisdiction that a punishment imposed under this Code conflicts with the laws of the state, the punishment shall be the maximum permitted by law.

State law reference(s)—Maximum penalties that may be imposed by municipalities, O.C.G.A. §§ 36-35-6, 36-32-1, 36-32-5; additional penalties and bond in certain criminal and traffic cases, O.C.G.A. § 15-21-73; authority to impose community service as punishment, O.C.G.A. § 17-10-1; alternative sentences by municipal courts, O.C.G.A. § 36-32-5; powers of municipal court judges in criminal cases, O.C.G.A. § 36-32-3; jurisdiction of municipal court, O.C.G.A. § 36-32-6 et seq.

(Ord. No. 2026-01, 6-15-2026)

Sec. 1-17. Payment of fines.

All fines collected within the city limits shall be paid to the city clerk, who shall then deposit them in the general fund.

(Comp. Ords. 1970, § 1-107)

Sec. 1-18. Fees established by ordinance.

Fees for permits, licenses, and other city services shall be as established from time to time by ordinance of the city council and set forth in the separate fee schedule adopted by the city and referenced in chapter 24.

Chapter 2 ADMINISTRATION[2]

ARTICLE I. IN GENERAL

Sec. 2-1. Records management.

(a) The city clerk shall be the coordinator of the city's records management plan and authorized to act for and on behalf of the mayor and city council in directing and coordinating all records management matters under the Georgia Records Act, O.C.G.A. § 50-18-90 et seq., the records retention schedules approved by the state, and the provisions of this section, except as limited in this section.

(b) No record shall be destroyed except as authorized by the state records retention schedule. Records shall be maintained for at least the retention period provided in the state records retention schedule but may be maintained for such longer period as is deemed necessary or advisable by the city clerk.

(c) In no event shall any city record maintained under this section be destroyed without the express approval of the city clerk.

State law reference(s)—Inspection and copying of public records, O.C.G.A. § 50-18-70 et seq.; records management programs for local governments, O.C.G.A. § 50-18-99.

Secs. 2-2—2-20. Reserved.

ARTICLE II. CITY COUNCIL[3]

DIVISION 1. GENERALLY

[2]State law reference(s)—Municipal Home Rule Act, O.C.G.A. § 36-35-1 et seq.; home rule for municipalities, O.C.G.A. § 36-35-3; limitations on home rule for municipalities, O.C.G.A. § 36-35-6; general authority of municipalities, O.C.G.A. §§ 36-34-1 et seq., 36-35-1 et seq.; liability of municipal corporations, O.C.G.A. § 36-33-1 et seq.; limitations on home rule powers, O.C.G.A. § 36-35-6; provisions applicable to counties and municipalities, O.C.G.A. § 36-60-1 et seq.; provisions applicable to counties, municipalities, and other, O.C.G.A. § 36-80-2 et seq.; liability of municipal corporations for acts or omissions, O.C.G.A. § 36-33-1 et seq.; municipal acquisition and disposition of real and personal property, O.C.G.A. § 36-37-1 et seq.; Georgia Records Act, O.C.G.A. § 50-18-90 et seq.

[3]State law reference(s)—Authority of council to bind subsequent council, O.C.G.A. § 36-30-3; councilmembers incompetent to hold other municipal office, O.C.G.A. § 36-30-4; effect of residence in annexed territory as qualification for office, O.C.G.A. § 36-30-5; voting when personally interested, O.C.G.A. § 36-30-6; method of calling election in the event all seats in municipal governing authority are vacant, O.C.G.A. § 36-30-13; initial terms of office of members of governing authority, O.C.G.A. § 36-31-9.

Sec. 2-21. Members; authority.

The city is governed by the city council, consisting of the mayor and four councilmembers who are vested with all corporate, legislative and other powers of the city as permitted by the city Charter and by law. The council shall be the final judge of the election and qualifications of its members, also of the amount and manner of compensating them for their services, to the extent permitted by the city Charter and state law.

Sec. 2-22. Residency requirements.

(a) To be eligible for the office of mayor, a candidate shall be a resident of the city for 12 months immediately preceding the date of qualification for election. An elected mayor must continue to reside in the corporate limits of the city during his term in office and must be qualified and registered to vote in municipal elections in the city.

(b) To be eligible for the office of councilmember, a candidate shall have been a resident of the city and of the ward for which the candidate seeks election for 12 months immediately preceding the date of qualification for election. An elected councilmember shall continue to reside in the corporate limits of the city, in the ward from which he is elected, during his term in office and must be qualified and registered to vote in municipal elections in the city.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-23. Election; term; vacancies.

The mayor and councilmembers shall be elected as provided in the city Charter or by general law to serve terms of four years and until their successors in office are elected and qualified. Terms shall begin on January 1 and expire on December 31 as provided in the city's Charter. Vacancies in office shall be filled as provided in the city Charter or by general law.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-24. Compensation; reimbursement of expenses.

(a) The mayor and council are hereby authorized to fix the salary, compensation and expenses of the mayor and each member of the council in accordance with the provisions of an Act known as "The Municipal Home Rule Act of 1965," approved March 26, 1965 (Ga. Laws 1965, p. 298), as now or hereafter amended.

(b) The salary for mayor shall be set at $600.00 per month for each month of the calendar year that the mayor serves. The salary for each councilmember shall be set at $400.00 per month for each month that the councilmember serves.

(c) That part of the salary of the mayor and each councilmember officially representing the city council and the remainder of the respective salaries of the mayor and each councilmember shall be paid monthly.

(d) For attending each called meeting, each member of the committee shall receive as additional compensation of $100.00 per diem, payable monthly, not to exceed five (5) meetings per month.

(e) The mayor and each member of the council shall be entitled to receive their actual and necessary expenses incurred in the performance of the duties of their office.

(f) Any prior action taken to provide or extend insurance, federal benefit programs, retirement, hospitalization, workers' compensation, or any other employee or elected official benefits to members of the municipal governing authority is ratified, validated, and continued in full force and effect.

1. For the purposes of stipend eligibility, a "meeting" shall include:
    a. City Council Meetings:
    Any officially scheduled gathering of the city council, including regular meetings, special meetings, emergency meetings, workshops, or work sessions, at which City business is discussed, considered, or acted upon.

    b. Representation on Boards, Committees, and Public Bodies:
    Any meeting of a board, commission, committee, or public body at which the mayor or a council member represents the City, whether as a voting member, liaison, or participant.

    c. Public Events or Presentations on Behalf of the City:
    Any public meeting, event, hearing, or presentation at which the mayor or a council member is formally presenting on behalf of the City or the city council, or otherwise fulfilling an official duty.

    d. Any gathering conducted for training, retreats, staff development, professional development, organizational planning, staff or constituent meetings, vendor or sales representative engagement, or any other scheduled or purpose-driven group activity.

2. City staff shall develop a standardized form for the reporting of reimbursable meetings. Such forms shall be submitted on a monthly basis for reimbursement.

3. The City Clerk shall review all submitted materials for completeness and compliance with this ordinance. Requests lacking adequate documentation may be returned for correction or denied.

4. All reimbursement-related records shall be retained as part of the City's official records in accordance with the City's adopted records retention schedule.

(Ord. of 10-12-1987, § 2; Ord. of 10-11-1999, §§ 1—5; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Authority to provide compensation and employee benefits to municipal officers and employees, O.C.G.A. § 36-35-4.

Secs. 2-25—2-51. Reserved.

DIVISION 2. MEETINGS[4]

Sec. 2-52. Meetings.

(a) *Regular meetings.* The city council shall hold regular semi-monthly meetings on the first and third Monday of each month at 6:30 p.m. in the council room of the city hall, or on such other regular days and at such other regular times as may be determined from time to time by the city council.

(b) *Called meetings.* The council may hold called meetings or work sessions as needed when called by the mayor or by three councilmembers. Notice of a called meeting shall be provided to all councilmembers and shall comply with the requirements of Georgia law, including reasonable advance notice under the circumstances. Only the business stated in the notice shall be considered or acted upon at a called meeting.

(c) *Emergency meetings.* The council may hold emergency meetings when called by the mayor or three councilmembers. Notice of any emergency meeting shall be provided to all councilmembers and shall comply with the requirements of Georgia law, including reasonable advance notice under the circumstances.

The notice requirements of this section may be waived only if the mayor and all councilmembers are present and agree to hold the meeting, or if a councilmember waives notice in writing before or after the meeting. Attendance at an emergency meeting shall constitute a waiver of notice as to any business transacted in the councilmember's presence.

Only the business stated in the notice shall be considered or acted upon at an emergency or special meeting.

(c) *Work sessions.* The mayor and city council may hold work sessions at such times as necessary to perform their duties. At work sessions, the mayor and council may discuss, deliberate, plan, or debate current city issues but may not take any vote or formal action and shall not publish or follow a formal agenda.

(d) *Open meetings.* All meetings of the mayor and council shall be public to the extent required by law, and notice to the public of any special meetings shall be given, to the extent reasonably possible, as provided in O.C.G.A. § 50-14-1, or other such applicable laws as are or may hereafter be enacted.

(e) *Chairperson.* In the absence of the mayor and mayor pro tem, any member of the council may be chosen to take the chair at the hour appointed for any meeting.

(f) *Compelling attendance of witnesses.* The mayor and council may also adopt procedures and penalties for compelling the attendance of absent members, as well as punishment for contemptuous behavior conducted in the presence of the mayor and council.

(g) *Quorum.* Two councilmembers and the mayor (three persons), shall constitute a quorum. In the event that the mayor is absent, a quorum shall consist of two councilmembers and the mayor pro-tem (three persons). A less number may adjourn from time to time and compel attendance of absentees.

(h) *Voting.* Voting on the adoption of any ordinances shall be by voice vote, and the vote shall be recorded in the minutes of the council. Any member of the council shall have the right to request a roll call vote, and such vote shall also be recorded in the minutes, if requested. Except as otherwise provided in the city Charter or

[4]State law reference(s)—Open meetings and notice of meetings required, O.C.G.A. § 50-14-1; meetings of governing bodies of counties and municipalities to be open, O.C.G.A. § 36-80-1.

by general law, the affirmative vote of three councilmembers, including the mayor, in the event of a tie vote, shall be required for the adoption of any ordinance, resolution, or motion. All councilmembers shall have a duty to vote on any matter coming before the mayor and council that requires such a vote, unless a councilmember has a conflict of interest as defined in the city Charter or is as otherwise legally excused or prohibited from voting by the Charter, or any other laws, ordinances, or regulations of this state.

(i) *Committee reports.* Each committee shall report to the council on matters referred to it as such matters are ready for consideration, recommendation, or action.

(j) *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.

(Ord. No. 2018-02, 3-5-2018; Res. No. 2025-15, § 2(Exh. A), 5-5-2025; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Open meetings, O.C.G.A. § 50-14-1 et seq.

Sec. 2-53. Agenda.

(a) *Preparation of agenda.* The city clerk, with the advice of the mayor and council, shall prepare an agenda of subjects to be acted on for each meeting. The agenda shall be made available to the council and to the public at some time during the week immediately prior to the meeting. Members of the public may request that a particular subject be placed on the agenda for the following meeting. This request must be submitted in writing to the city clerk and received at least three business days before the meeting. A new subject that requires attention may be added to the agenda during a meeting by a majority vote of the council.

(b) *Public hearings regarding zoning issues.* Public hearings regarding zoning shall be conducted in accordance with O.C.G.A. §§ 36-66-4 and 36-66-5 and shall constitute an exception to the provisions of this section that conflict with such statutes.

State law reference(s)—Meeting agenda required, O.C.G.A. § 50-14-1.

Sec. 2-54. Minutes of meetings.

(a) *Required; open to public.* A summary of the subjects acted on, and those members present at a meeting must be written and made available to the public for inspection within two business days of the adjournment of a meeting. The city clerk shall promptly record the minutes for each council meeting, and such records shall be open to public inspection once approved as official by the council, but in no case later than immediately following the next regular meeting of the council.

(b) *Minimum contents of minutes.* Minutes must, as a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll call vote, the name of each person voting for or against a proposal must be recorded. In all other cases, it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

Sec. 2-55. Authority to conduct inquiries and investigations; subpoena power.

The mayor or 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 mayor or city council shall be subject to punishment as provided in section 1-18.

Sec. 2-56. Order of business.

The order of business shall be determined from time to time by the city council.

(Comp. Ords. 1970, § 2-103)

Sec. 2-57. General rules of order.

Except as otherwise provided in the city Charter or this Code, the rules of order shall follow standard parliamentary procedure in the transaction of business by and before the mayor and council at its meetings in all cases to which they are applicable.

(Comp. Ords. 1970, § 2-104)

Sec. 2-58. Disturbing meetings.

It is unlawful to disrupt any mayor and council meeting through disorderly or disrespectful conduct.

(Comp. Ords. 1970, § 2-105; Ord. No. 2026-01, 6-15-2026)

Sec. 2-59. General procedures.

The introduction, enactment and recording of city legislation shall be accomplished under the provisions of the city Charter.

(Comp. Ords. 1970, § 2-201)

Secs. 2-60—2-76. Reserved.

DIVISION 3. ORDINANCES

Sec. 2-77. Effective date.

Except as otherwise provided by any ordinance or state law:

(1) All ordinances or resolutions not approved by the mayor shall be effective three days after passage thereof.

(2) If the mayor files his reasons for not approving the ordinance or resolution, it shall become effective when a majority of the council again votes in favor of it.

(Comp. Ords. 1970, § 2-202)

Sec. 2-78. Official copy.

A true copy of an ordinance which has been duly enacted by the mayor and council, signed by the mayor, and attested to by the city clerk shall be known as an official copy of any ordinance of the city.

(Comp. Ords. 1970, § 2-203)

Sec. 2-79. Ordinances appropriating money.

"No appropriation ordinance, and no ordinance amending, revising, or repealing an appropriation ordinance, shall be adopted except at a regular or called meeting in accordance with applicable law and council procedures. Any deviation from the council's customary meeting process for consideration of such ordinance shall require the unanimous affirmative vote of the full council membership.

(Comp. Ords. 1970, § 2-204; Ord. No. 2026-01, 6-15-2026)

Sec. 2-80. Procedure for adoption of ordinances and retention of council records.

(a) *Time for presenting; rules for consideration.* An ordinance may be introduced by any councilmember and read at a regular or called meeting of the mayor and council. Ordinances shall be considered and either adopted or rejected by the mayor and council in accordance with the rules established upon introduction of any ordinance.

(b) *Emergency ordinances.* The mayor and city council may adopt emergency ordinances as provided and limited by the city Charter.

(c) *Distribution of copies to council; copies for public inspection.* The clerk shall, as soon as possible, distribute a copy of each ordinance to the mayor and each councilmember and retain a reasonable number of copies in his office for inspection and copying by members of the public.

(d) *Distribution of copies to codifier.* Upon passage, the clerk shall forward certified copies of all ordinances to the selected entity responsible for codifying for the codification of the city's ordinances, so that the Code can be properly revised and updated.

(e) *Numbering of ordinances and resolutions.* After adoption, the city clerk shall assign ordinances consecutive numbers in the order they are finally adopted and maintain them in a permanent ordinance record. Resolutions shall be numbered in a separate consecutive series and maintained in a separate permanent record.

(f) *Filing and retention of original documents.* The city clerk shall file,maintain, and preserve the original copies of all ordinances, resolutions, and written motions in accordance with applicable Georgia law governing the retention of public records.

(Ord. No. 2026-01, 6-15-2026)

Secs. 2-81—2-103. Reserved.

ARTICLE III. CITY OFFICERS AND EMPLOYEES[5]

DIVISION 1. GENERALLY

Sec. 2-104. Adoption of personnel manual.

The city's personnel policies and procedures manual is adopted by reference and shall have the force and effect of law as part of this Code. The manual, as it may be amended from time to time, shall be maintained by the city and applies as if fully set out in this section.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-105. Appointment and compensation.

All officers and employees who are deemed necessary by the mayor and council or their designee and are not otherwise provided for by law or ordinance shall be appointed as provided by the city Charter for such term and at such compensation as shall be provided thereby. Two members of an immediate family may not be appointed to positions of employment with the city. For the purposes of this article, the term "immediate family" shall include a spouse, son, daughter, father or father-in-law, mother or mother-in-law, brother or brother-in-law, sister or sister-in-law, grandfather, grandmother, or other person(s) who reside(s) in the employee's household and/or who is recognized by law as a dependent of the employee. . This policy applies to promotions, demotions, transfers, reinstatements and new employees, but shall not affect any employee who may be in violation as of the effective date of these policies. No employee will be penalized as a result of a departmental reorganization which places him in violation of this policy.

(Comp. Ords. 1970, § 3-201; Ord. No. 2026-01, 6-15-2026)

Sec. 2-106. Bonds.

Except where otherwise provided by law or ordinance, the mayor and council may require any officer or employee, before entering upon his duties, to post bond in an amount specified by the mayor and council. All bond

[5]State law reference(s)—General authority of municipalities, O.C.G.A. §§ 36-34-1 et seq., 36-35-1 et seq.; liability of municipal corporations, O.C.G.A. § 36-33-1 et seq.; limitations on home rule powers, O.C.G.A. § 36-35-6; authority to provide for, regulate, etc., officers and employees, O.C.G.A. § 36-34-2; liability of municipality for acts of officers, O.C.G.A. § 36-33-3; personal liability of municipal officers, O.C.G.A. § 36-33-4; local government officers and employees not subject to liability for torts involving use of government vehicles, O.C.G.A. § 36-92-3; fixing of salaries of municipal employees, O.C.G.A. § 36-35-4; training of members of municipal governing authorities, O.C.G.A. § 36-45-04; local referenda for abolishing local offices or shortening or lengthening term, O.C.G.A. § 1-3-11; authority to provide compensation and employee benefits to municipal officers and employees, O.C.G.A. § 36-35-4.

premiums shall be paid from city funds. However, when one person holds two positions, only one bond shall be required.

(Comp. Ords. 1970, § 3-202)

Secs. 2-107—2-125. Reserved.

DIVISION 2. MAYOR

Sec. 2-126. Duties.

(a) In the absence of a duly appointed and acting city manager as provided in the city Charter, the mayor shall preside over all meetings of the city council. The mayor shall preserve order and decorum at such meetings, ensure that all officials and officers of the city faithfully perform all duties required of them, ensure that all the ordinances and laws of the city are properly carried out and executed, and ensure that all revenues are promptly collected and accounted for and proper records are kept of all financial transactions of said officers and of the city. The mayor shall exercise general supervision and jurisdiction over the affairs of the city and have authority to call the council in special session as often as deemed necessary for the proper conduct of the affairs of the city government.

(b) If a city manager is duly appointed and acting as provided in the city Charter, the mayor shall have such powers and duties as are provided by the city council to the extent permitted or required by state law.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-127. Mayor pro tem.

Except where otherwise provided by law, the mayor pro tem shall perform the duties and functions of the mayor provided for in this Code during the absence or disability of the mayor. In the event the mayor and mayor pro tem shall fail or be unable to act, any person specifically designated by the mayor and council may act in their stead.

(Comp. Ords. 1970, § 3-104)

Sec. 2-128. Contracts; deeds; bonds.

The mayor shall sign and execute all contracts authorized by the mayor and council. The mayor shall also be authorized to sign the deeds and bonds of the city.

(Comp. Ords. 1970, § 3-102)

Secs. 2-129—2-154. Reserved.

DIVISION 3. CITY Manager

Sec. 2-155. City manager; acting city manager; removal.

(a) The city manager shall be selected and appointed by the mayor and council. He shall be responsible to the mayor and council for the administration of all city affairs placed in charge by and under the Charter. In the event the office of city manager is vacant, the mayor shall exercise all powers conferred on the office by this Code, the city Charter, and general law.

(b) The mayor and council shall appoint the city manager for an indefinite term and shall fix his compensation. The city manager shall be appointed solely on the basis of his executive and administrative qualifications, and the term and salary may be fixed by the mayor and council without the passage of an ordinance. Before taking office, the city manager shall furnish a fidelity bond in the amount of $100,000.00, conditioned upon the faithful performance of his duties, with a corporation licensed to do business in the state as a surety. Such bond shall be filed with the city clerk after being approved by the mayor and council.

(c) The city manager shall have the following powers and duties:

(1) a. The city manager shall appoint and, when he deems it necessary for the good of the city, supervise, suspend, or remove all city employees and administrative officers so appointed, except as otherwise provided by law or personnel ordinances adopted pursuant to the Charter except to the extent otherwise provided in this subsection.

b. The mayor and council shall have the sole power and authority to appoint, suspend, or remove the city attorney, city engineer, judge of the municipal court, city clerk and all members of boards, commissions, or authorities which the mayor and council have created or shall create or of which the city is or shall be a member.

c. The city manager shall not appoint, suspend, or remove any city government department head without the prior approval of the mayor and council. For the purpose of this section, a department head shall be defined in accordance with the City's current organizational chart.

d. Each department head shall also have authority to supervise, suspend or remove employees in his department.

e. Any city employee or administrative officer suspended or removed under this section may, within five working days of said suspension or removal, file a written request with the city clerk requesting that the mayor and council review such action. After such written request is filed, the mayor and council may veto any such suspension or removal within 30 days thereof.

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

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

(4) The city manager shall see that all laws, provisions of the Charter, and acts of the mayor and council subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed.

(5) The city manager, in coordination with the Finance Director, shall prepare and submit the annual operating budget and capital improvement plan (CIP) to the mayor and council. Approval of the budget and CIP shall be authorization to make expenditures and purchases in accordance with the operating budget.

(6) The city manager shall submit to the mayor and council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(7) The city manager shall make such reports as the mayor and council may require concerning the operations of city departments, offices, and agencies subject to his direction and supervision.

(8) The city manager shall keep the mayor and council fully advised as to the financial condition and future needs of the city and shall make such recommendations to the mayor and council concerning the affairs of the city as he deems desirable and as the mayor and council may require.

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

(10) The city manager shall propose the salaries and compensation of all employees of the city, except the city attorney, city engineer, judge of the municipal court, city clerk and all members of boards, commissions, or authorities, provided that no proposed raise in salary or compensation of such employee shall become effective until it is approved by the mayor and council at a regular meeting of the mayor and council.

(d) During the temporary absence or disability of the city manager, the mayor and council may revoke such designation of the city manager at any time and appoint another officer of the city to serve until the city manager shall return or his disability ceases. The mayor and council shall have the power to appoint the mayor to serve as acting city manager during the temporary absence or disability of the city manager or during such time as the office of such city manager shall remain vacant. Should the council so appoint the mayor as acting city manager and the mayor so serve, the mayor shall not be entitled to receive the salary of the city manager. For the purpose of this section, the term "disability of the city manager " shall include being suspended from his duties by the mayor and council. The acting city manager shall cease exercising the powers and duties of the city manager upon the appointment of a city manager or upon the revocation of said acting city manager 's appointment by the council. In those instances in which the mayor has been appointed acting city manager, the mayor shall cease exercising the powers and duties of the city manager upon the appointment of a city manager or upon the revocation of said mayor's appointment as acting city manager s by the council. The acting city manager shall take the same oath as the city manager but need not furnish a fidelity bond.

(e) If a contract is not in place, the mayor and council may remove the city manager from office in accordance with the following procedures:

(1) The mayor and 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 days after a copy of the resolution is delivered to the city manager, the city manager may file with the mayor and 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 mayor and council a written reply not later than five days before the hearing.

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

(4) The city manager shall continue to receive his salary and benefits until the effective date of a final resolution of removal.

(5) The city manager may be removed from office for cause or without cause. If removed without cause, he shall be entitled to receive his regular salary and benefits for a period of 30 days from the effective date of the final resolution of removal.

(Ord. No. 2026-01, 6-15-2026)

Secs. 2-156—2-178. Reserved.

DIVISION 4. CITY CLERK[6]

Sec. 2-179. Appointment.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk or his designee shall be custodian of the official city seal and shall maintain city council records required by this Code, the city Charter, or state law.

Sec. 2-180. General duties of clerk.

In addition to such duties as provided in the city Charter and by general law, it shall be the duty of the city clerk or his designee to do the following:

(1) Attend meetings of the mayor and council and keep the official minutes of its proceedings, including the names of members and other parties present and absent and the vote of each councilmember on each resolution, ordinance, motion, or other official action considered;

(2) Prepare and certify copies of official records when requested, for which fees may be prescribed by ordinance;

(3) Maintain a record of registration of franchises granted by the city; and

(4) Perform such other duties as may be required by the mayor and council.

(Ord. No. 2026-01, 6-15-2026)

Secs. 2-181—2-198. Reserved.

DIVISION 5. CITY ATTORNEY

Sec. 2-199. Appointment; qualifications; oath; compensation.

(a) The city attorney shall be appointed by the mayor and city council and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the state bar and has been actively engaged in the practice of law for at least three years preceding his appointment. Before entering upon the duties of his office, the city attorney shall take the oath prescribed by the city council for city officers. The city attorney shall receive compensation in the amount established from time to time by the city council.

(b) In addition to the city attorney, the mayor and city council shall annually appoint a city solicitor who shall have such duties as are assigned by the council.

[6]State law reference(s)—Training for municipal clerks, O.C.G.A. § 36-45-20.

Sec. 2-200. Duties.

The city attorney shall have such duties as are provided in the city Charter and prescribed from time to time by the city council, other than those assigned to the city solicitor. The duties assigned to the city attorney may be delegated by the city attorney unless otherwise specifically provided by the city council.

Secs. 2-201—2-223. Reserved.

DIVISION 6. CODE ENFORCEMENT OFFICER

Sec. 2-224. Appointment.

The city code enforcement officer shall be appointed by the chief of police and shall serve until a successor is appointed and has qualified.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-225. Recognition and certification.

The city code enforcement officer shall do all things necessary in order to be recognized as a law enforcement officer of the state and certified within the standards of the state Peace Officer Standards and Training Act (POST Act), as provided in O.C.G.A. § 35-8-1 et seq. In the event the city code enforcement officer is not POST-certified, then he shall have 12 months from his hiring date in which to become POST-certified.

(Ord. of 8-8-2005, § I)

Sec. 2-226. Power of arrest.

The city code enforcement officer shall have the power of arrest in the enforcement of all ordinances of the city, state codes, and the laws of the state.

(Ord. of 8-8-2005, § II)

Sec. 2-227. Duties and responsibilities.

The primary duties and responsibilities of the city code enforcement officer shall be as follows:

(1) To enforce all ordinances enacted by the mayor and city council, state codes, and the laws of the state;

(2) To issue warnings, notices of ordinance violation, and citations for court appearances for the violation of ordinances and the laws of the state;

(3) To investigate and collect evidence of these ordinances and the laws of the state violations;

(4) To respond to complaints of alleged violations of ordinances and laws of the state;

(5) To appear and testify in court;

(6) To do any follow-up work that may be necessary;

(7) To ensure proper collection of fines;

(8) To coordinate enforcement efforts with the building inspection department, the public works department, the city police department, and any other department or division of the city as may be deemed necessary.

(Ord. of 8-8-2005, § III)

Sec. 2-228. Placement of position.

The position of code enforcement officer shall be under the supervision of the chief of police.

Sec. 2-229. Authority to issue summonses or citations.

In addition to all duties and responsibilities set forth in this division, where any provisions of this Code that authorize the city police department to issue a summons or citations, the code enforcement officer shall also specifically be authorized to issue said summons or citations.

(Ord. of 8-8-2005, § IV)

Secs. 2-230—2-251. Reserved.

ARTICLE IV. DEPARTMENTS AND COMMITTEES

DIVISION 1. GENERALLY

Sec. 2-252. Departmental organization.

The city manager may recommend persons to be appointed as department heads. The mayor and council shall appoint a director or head of each department or agency who shall be its principal officer.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-253. Department heads.

Each department head shall be responsible to the City Manager for the administration and direction of the affairs and operations of his department or agency, subject to the direction of the city manager and/or mayor and council. Each such department head shall:

(1) Be immediately responsible to the City Manager for the effective administration of his department and all activities assigned thereto;

(2) Keep informed as to the latest practices in his particular field and inaugurate such new practices as appear to be of benefit to the service and to the public;

(3) Submit annual reports of the activities of his department to the city manager;

(4) Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the mayor and council or their designee;

(5) Have power, when authorized by the mayor and council, to appoint and remove, subject to personnel regulations, all subordinates under him; and

(6) Be responsible for the proper maintenance of all city property and equipment used in his departments.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-254. Interdepartmental cooperation.

Each department shall cooperate with every other department and shall furnish, upon the direction of the mayor and council or their designee, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.

Sec. 2-255. Appointment of committees and chairs by mayor and city council.

All committees, committee chairs, and officers of the city council shall be recommended by the mayor and approved by the council and shall serve at the pleasure of the mayor and council. Furthermore, the mayor and council shall have the power to appoint new members to any committee at any time.

Sec. 2-256. Reports.

Within 30 days after the close of each fiscal year, the mayor and council or their designee shall obtain a report from the various city departments for the previous year and shall recommend any adjustments necessary or advisable to the city council. The mayor and council or their designee shall have the power to require reports from all officers and employees of the city as he may deem necessary to fulfill his executive responsibilities.

(Comp. Ords. 1970, § 3-101: Ord. No. 2026-01, 6-15-2026)

Secs. 2-257—2-275. Reserved.

DIVISION 2. STANDING COMMITTEES[7]

Sec. 2-276. Establishment by council.

The city council may establish such standing committees as it deems necessary or appropriate from time to time.

(Res. No. 2025-09, 2-10-2025)

[7]Editor's note(s)—Res. No. 2025-09, adopted Feb. 10, 2025, amended ch. 2, art. IV, div. 2 in its entirety to read as herein set out. Former div. 2, §§ 2-276, 2-277, pertained to similar subject matter, and derived from prior code.

Sec. 2-277. Appointment of chairperson, members.

At the first meeting of each reorganizational year, the city council shall appoint members, as the city council desires to each standing committee, said appointments may include members of the city council. Said appointments shall be for a two-year period, unless specified by the Codes of Ordinances of the City of Cleveland.

(Res. No. 2025-09, 2-10-2025)

Sec. 2-278. Compensation.

Members shall be entitled to receive compensation in the amount of $100.00 per diem, payable monthly, for attending each scheduled, special, or called meeting of a standing committee.

(Res. No. 2025-09, 2-10-2025)

Sec. 2-279. Exceptions.

The contents of this section are in effect for all standing committees, except where specific instructions for a standing committee are provided regarding authority, terms of office, manner of appointment, or compensation rates.

(Res. No. 2025-09, 2-10-2025)

Secs. 2-280—2-328. Reserved.

ARTICLE V. BOARDS, COMMISSIONS, AND AUTHORITIES[8]

DIVISION 1. GENERALLY

Sec. 2-329. Establishment by council.

The city council shall establish such boards, commissions, and authorities as it deems necessary or desirable from time to time to fulfill any investigative, quasi-judicial or quasi-legislative function upon such terms as are provided by the council by ordinance in accordance with the city Charter.

Sec. 2-330. Rules, regulations and bylaws.

Unless otherwise provided by the city council, each board, commission, and authority established by the city council may establish such bylaws, rules and regulations, not inconsistent with the city Charter, this Code, or general law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs; provided, however, that copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

[8]State law reference(s)—Conduct of members of local authorities, O.C.G.A. § 36-62-12 et seq.

Secs. 2-331—2-348. Reserved.

DIVISION 2. PLANNING COMMISSION

Sec. 2-349. Commission purpose.

The purpose of the planning and zoning commission is to investigate and study the city's comprehensive plan, review development proposals, and consider applications for rezoning.

(Res. No. 2025-08, Exh. A, 2-3-2025)

Sec. 2-350. Commission members and terms.

The Cleveland planning and zoning commission shall consist of nine members, to be appointed as follows beginning January 1, 2026:

(1) The mayor shall nominate and the council shall appoint an at-large position on the commission for an initial two-year term, with each successive term for that position to be a four-year term; and

(2) Each councilmember shall nominate two people to fill positions on the commission from their respective ward or district. As selected by their respective nominating councilmember, one appointee will serve an initial two-year term, with each successive term for that position to be a four-year term. The second appointee for each ward or district will serve an initial four-year term, with each successive term for that position to be a four-year term; and

(3) Upon completion of the initial terms, all commission members shall thereafter be appointed for four-year terms on a staggered basis; and

(4) Any vacancy in the membership of the commission shall be filled for the remainder of the term in the same manner as the original nomination and appointment of the vacant position.

(Res. No. 2025-08, Exh. A, 2-3-2025: Ord. No. 2026-01, 6-15-2026)

Sec. 2-351. Commission organization.

During the first meeting of each even-year, the commission shall hold an organizational meeting. During the meeting, the members of the commission will select their leadership as follows:

(1) The commission shall elect one of its members as chair and one member as vice chair and may elect as its secretary one of its own members or may appoint as secretary an employee of the city.

(2) The commission may establish such bylaws, rules and regulations, not inconsistent with the Charter of the city, ordinances of the city, or other applicable law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

(Res. No. 2025-08, Exh. A, 2-3-2025; Ord. No. 2026-01, 6-15-2026)

Sec. 2-352. Commission member compensation.

Members of the planning and zoning commission shall receive compensation of $100.00 per diem, payable monthly, for attendance at each scheduled or called meeting of the commission.

(Res. No. 2025-08, Exh. A, 2-3-2025; Ord. No. 2026-01, 6-15-2026)

Secs. 2-353—2-371. Reserved.

DIVISION 3. DOWNTOWN DEVELOPMENT AUTHORITY[9]

Sec. 2-372. Authority for creation.

The city may create, under the provisions of the Downtown Development Authorities Law, O.C.G.A. § 36-42-1 et seq., a public body corporate and politic known as the Downtown Development Authority of Cleveland.

Sec. 2-373. Downtown development area.

(a) The downtown development area of the downtown development authority is designated to be that geographical area within the city which constitutes the central business district of the city as shown on that certain map available for inspection in the office of the city clerk.

(b) The board of directors shall organize itself, perform its duties and responsibilities and exercise its powers and prerogative in accordance with the terms and provisions of the Downtown Development Authorities Law as it now exists and as it may hereafter be amended or modified.

Secs. 2-374 - Compensation

(a) Each member of the board of directors shall receive compensation of $100.00 per diem, payable quarterly, for attendance at each scheduled or called meeting of the authority.

(Ord. No. 2026-01, 6-15-2026)

Secs. 2-375—2-404. Reserved.

[9]State law reference(s)—Downtown development authorities, O.C.G.A. § 36-42-1 et seq.; municipal business improvement districts, O.C.G.A. § 36-43-1 et seq.; redevelopment authority of municipalities, O.C.G.A. § 36-44-1; county and municipal urban development, O.C.G.A. § 36-61-1 et seq.; training for members of local development authorities, O.C.G.A. § 36-62A-21; exception to training requirements for directors of downtown development authorities, O.C.G.A. § 36-62A-22.

ARTICLE VI. FINANCE[10]

DIVISION 1. GENERALLY

Sec. 2-405. Temporary loans.

The mayor and council may obtain short term loans in the name of the city when approved by the council. Any such indebtedness shall be payable solely from the proceeds of a duly authorized bond issue or from a specified designated source, unless there is a prior appropriation out of which such indebtedness could be paid.

(Comp. Ords. 1970, § 3-103)

Secs. 2-406—2-423. Reserved.

DIVISION 2. BUDGET

Sec. 2-424. Fiscal year.

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

(Comp. Ords. 1970, § 5-301)

State law reference(s)—Fiscal year required to be established by ordinance, O.C.G.A. § 36-81-3.

Sec. 2-425. Proposed budget.

The city's budget shall be prepared, reviewed, and approved annually pursuant to the procedure provided by the city Charter and general law.

(Comp. Ords. 1970, § 5-302)

State law reference(s)—Annual budget generally, O.C.G.A. § 36-81-3 et seq.; adoption of budget, O.C.G.A. § 36-81-6.

[10]State law reference(s)—Municipal finance generally, O.C.G.A. § 36-81-1 et seq.; adoption of budget articles and resolutions, O.C.G.A. § 36-81-1 et seq.; political subdivision audits, O.C.G.A. § 36-81-7; accounting for public funds, O.C.G.A. § 45-8-1; limitations on use of purchasing and contract procedures, O.C.G.A. § 34-4-3.1; municipal bonds, O.C.G.A. § 36-38-1; standards for city and county audits, O.C.G.A. § 36-60-8; officer responsible for political subdivision investments, O.C.G.A. § 36-80-4; public works bidding, O.C.G.A. § 36-91-1 et seq.

Sec. 2-426. Financial statement.

The mayor and council shall cause to be published, within six months after the close of each fiscal year and in accordance with state law, a general balance sheet and statement of revenues and expenditures showing all municipal accounts as of the close of such preceding fiscal year.

(Comp. Ords. 1970, § 5-303)

Secs. 2-427—2-450. Reserved.

DIVISION 3. PURCHASES[11]

Sec. 2-451. Purchasing procedures

(a) The mayor and council shall adopt and maintain a procurement policy establishing the processes and procedures governing the purchase of goods, services, equipment, supplies, and other items by the city.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-452. Violation grounds for discharge.

Violation of any provision of this division may be determined a violation of the city personnel policy and shall be deemed sufficient grounds for discharge.

(Ord. No. 2026-01, 6-15-2026)

Secs. 2-453—2-484. Reserved.

DIVISION 4. PUBLC WORKS CONTRACTS

Sec. 2-485. Definitions.

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

City contract means any contract for construction for the city or negotiated by the city for the benefit of the public or an individual, firm or corporation, regardless of whether or not the city is a party to the contract.

Construction means improvements or repairs the objective of which are to build, install, repair or improve a permanent structure, location, system or device with lumber, masonry, concrete, asphalt, rock, gravel, metal, plastic, glass or other similar material, to include necessary machinery, appliances or other fixtures and devices necessary for proper completion of such improvement or repairs.

[11]State law reference(s)—Municipal home rule, Ga. Const. art. IX, § II, O.C.G.A. § 36-35-1 et seq.; multiple-year contracts and leases, O.C.G.A. § 36-60-13; public works contracts, O.C.G.A. § 36-84-1 et seq.; municipal purchases through state department of administrative services, O.C.G.A. § 50-5-100 et seq.

Longterm or substantial means any contract of a duration exceeding 12 months or involving the payment by the city of more than $50,000.00 for any goods, services, equipment or materials.

Permanent means having a useful life of five years or more.

Sec. 2-486. Contracting procedures.

Pursuant to O.C.G.A. § 36-91-20 et seq., the mayor and council shall establish and administer policies and procedures governing the procurement of public works construction projects in compliance with applicable Georgia law, including requirements for bidding, contracting, and purchasing. The city's procurement practices shall promote fairness, transparency, fiscal responsibility, and compliance with all state-mandated public works **contracting requirements.**

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-487. Bids required.

Every city construction contract shall be in compliance with the city procurement policy and state law.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-488. Bid bonds or other security.

(a) In every instance where the city is seeking a contract subject to this article, the city may require a bid bond with good and sufficient surety approved by the city clerk for the faithful acceptance of the contract, payable to the city and for the protection of the city and the person for which the city seeks to contract. Any bid bond required by the city under this section shall be in the amount of not less than five percent of the total payable by the terms of the contract.

(b) In lieu of the bid bond provided for in subsection (a) of this section, a cashier's check, certified check or cash may be accepted by the city upon approval by the city council in such amount as payable and for the protection aforesaid.

(Ord. No. 2026-01, 6-15-2026)

Sec. 2-489. Performance bond; payment bond.

(a) Every contractor subject to the provisions of this division shall furnish a performance bond with good and sufficient surety payable to, in favor of, and for the protection of the city and/or the person for whom the work is to be done. The performance bond shall be in the amount of at least the total amount payable by the terms of the contract.

(b) Every contractor subject to provisions of this division shall furnish a payment bond with good and sufficient surety payable to the city and/or the person for whom the work is to be done and for the use and protection of all subcontractors and all persons supplying labor, materials, machinery, and equipment in the prosecution of the work provided for in the contract.

(c) In lieu of either or both of the bonds provided for in subsections (a) or (b) of this section, the city may accept a cashier's check, certified check or cash in the amount of either or both of the otherwise required bonds for the usage and protection aforesaid.

Secs. 2-490—2-515. Reserved.

ARTICLE VII. IDENTITY THEFT PREVENTION PROGRAM

DIVISION 1. GENERALLY

Sec. 2-516. Purpose; alternate designation.

(a) 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. Pursuant to 16 CFR 681.1, the purpose of this article is also 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.

(b) This article may be referred to as the city's identity theft prevention program or ITTP.

(Ord. of 2-9-2009(1), div. 1)

Sec. 2-517. 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:

Covered account means:

(1) An account that a creditor offers or maintains primarily for personal, family, or household purposes, which 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; or

(2) Any other account that the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the 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 debt and defer its payment or to purchase property or services and defer payment therefor.

Creditor means any person or entity 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. For the purposes of this article, the city is a creditor.

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

Department head means any department head who works at the discretion of the executive officer or the city council, any elected official, or any individual appointed to manage a department on a permanent or temporary basis.

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

Notice of address discrepancy means a notice sent to the city by a consumer reporting agency pursuant to 15 USC 1681C(h)(1), that informs the city of a substantial difference between the address for the consumer that the city provided to request the consumer report and the address in the agency's file for the consumer.

Personal identifying information means a person's credit card account information, debit card information, and bank account information and, for a natural person, includes such person's social security number, mother's birth name, drivers' license information 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 2-9-2009(1), div. 1)

Sec. 2-518. Findings.

The city council has found as follows:

(1) 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. Covered accounts offered to customers for the provision of city services include water, sewer, solid waste, and stormwater.

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

(3) 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.

(4) The city determines that there is a low risk of identity theft occurring in the following ways, if any:

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

b. 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;

c. 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; and

d. 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 2-9-2009(1), div. 1)

Sec. 2-519. Process of establishing a covered account.

(a) As a precondition to opening a covered account with the city, each applicant shall provide the city with personal identifying information of the customer in the form of 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 with written confirmation of being the authorized agent for the entity. The applicant shall also provide any other information necessary for the department providing the service for which the covered account is created. The information shall be entered directly into the city's records system and held in a secure storage area with access limited to those city personnel with the need to know.

(b) For each customer account for which the city may now or hereafter provide individual customer access to the customer's account information, such account shall be assigned an account number and personal identification 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 2-9-2009(1), div. 1)

Sec. 2-520. Password required for access to covered account information.

Access to any customer account that includes personal identifying information shall be password-protected and shall be limited to authorized city personnel. Passwords shall be changed by the head of the department providing the service for which the covered account is created, or by such other city employee authorized to conduct the provisions of this article, on a regular basis. The password shall be at least eight characters in length and shall contain letters, numbers and symbols.

(Ord. of 2-9-2009(1), div. 1; Ord. No. 2026-01, 6-15-2026)

Sec. 2-521. Report of unauthorized access.

Any unauthorized access to or other breach of customer accounts is to be reported immediately to the appropriate department director and the password changed immediately.

(Ord. of 2-9-2009(1), div. 1)

Sec. 2-522. Customer information confidential; report of requests for access.

Personal identifying information included in customer accounts is considered confidential, and any request or demand that specifically asks for such information shall be immediately forwarded to the applicable department head or other person authorized by the city council to conduct the provisions of this article.

(Ord. of 2-9-2009(1), div. 1; Ord. No. 2026-01, 6-15-2026)

Sec. 2-523. 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 database.

(c) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

(Ord. of 2-9-2009(1), div. 1)

Sec. 2-524. 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. 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, or a notice of address discrepancy provided by a consumer reporting agency;

c. 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 a recent and significant increase in the volume of inquiries, an unusual number of recently established credit relationships, a material change in the use of credit, especially with respect to recently established credit relationships, or 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, such as instances in which the address does not match any address in the consumer report or 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, the 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 as in instances where 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, such as instances where there is nonpayment when there is no history of late or missed payments or a material change in purchasing or spending patterns;

d. An account that has been inactive for a long period of time is used, taking into consideration the type of account, the expected pattern of usage and other relevant factors;

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 2-9-2009(1), div. 1)

Sec. 2-525. Procedure regarding existing covered accounts.

(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 discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft.

(b) If, in his discretion, the employee determines that identity theft or attempted identity theft is likely or probable, the employee shall immediately report such red flags to his department head.

(c) If, in his discretion, the employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to his department head, who may, in his discretion, determine that no further action is necessary.

(d) If the department head, in his 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 the department head:

(1) Contact the customer;

(2) If, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account, change any account numbers, passwords, security codes, or other security devices that permit access to an account, or close the account;

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

(4) Notify a debt collector within 24 hours 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, as determined by the department head, to prevent or mitigate identity theft.

(Ord. of 2-9-2009(1), div. 1)

Sec. 2-526. Procedure regarding newly covered accounts.

(a) 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, the employee shall use his discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft.

(b) If, in his discretion, the employee determines that identity theft or attempted identity theft is likely or probable, the employee shall immediately report such red flags to his department head.

(c) If, in his discretion, the employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to his department head, who may, in his discretion, determine that no further action is necessary.

(d) If the department head, in his 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 the department head:

(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 as determined by the department head to prevent or mitigate identity theft.

(Ord. of 2-9-2009(1), div. 1)

Sec. 2-527. Updating the program.

The executive officer shall annually review this article and, if deemed necessary, make recommendations to the city council with regard to any needed amendments, including amendments of the designation of 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 executive officer 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 2-9-2009(1), div. 1)

Sec. 2-528. Program administration.

(a) The executive officer is responsible for oversight of the program and for program implementation, including, but not limited to, 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 executive officer, 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.

(b) Department heads shall report to the executive officer at least annually on compliance with the red flag requirements. The department head reports will address material matters related to the program and evaluate issues such as:

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

(2) Service provider arrangements;

(3) Significant incidents involving identity theft and management's response; and

(4) Recommendations for material amendments of this article.

(c) The city's department heads are responsible for providing training to all employees responsible for or involved in opening new covered accounts, restoring existing covered accounts or accepting payment for covered accounts with respect to the implementation and requirements of this article. The executive officer shall exercise his discretion in determining the amount and substance of training necessary.

(Ord. of 2-9-2009(1), div. 1)

Sec. 2-529. 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 applicable department head shall exercise his discretion in reviewing such arrangements in order to ensure, to the best of his ability, that the service provider's activities are conducted in accordance with the policies and procedures in this article, as agreed upon by contract, 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 2-9-2009(1), div. 1)

Sec. 2-530. Annual report to city council.

An annual report will be submitted by the executive officer for approval of the city council on such schedule as is established by the city council. The report will include a summary of department head reports and recommendations for any amendment to this article.

(Ord. of 2-9-2009(1), div. 1)

Secs. 2-531—2-553. Reserved.

DIVISION 2. ADDRESS DISCREPANCIES

Sec. 2-554. Treatment of address discrepancies.

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 city service or account sought by the consumer shall verify the information in the consumer report with the consumer or compare the information in the consumer report with:

(1) 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 USC 5318(l);

(2) 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

(3) Information the city obtains from third-party sources that are deemed dependable by the relevant city employee.

(Ord. of 2-9-2009(1), div. 2)

Sec. 2-555. 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 2-9-2009(1), div. 2)

Sec. 2-556. Methods of confirming consumer addresses.

The city employee charged with confirming consumer addresses may, in his discretion, confirm the accuracy of an address through verifying the address with the consumer, reviewing the city's records to verify the consumer's address, verifying the address through third-party sources, or using other reasonable processes.

(Ord. of 2-9-2009(1), div. 2)

Secs. 2-557—2-575. Reserved.

ARTICLE VIII. ETHICS[12]

Sec. 2-576. Purpose.

The purpose of this code of ethics is to:

(1) Encourage high ethical standards in official conduct by city officials;

(2) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;

(3) Require disclosure by such officials of private financial or other interest in matters affecting the city; and

(4) Serve as a basis for disciplining those who refuse to abide by its terms.

The provisions of this code of ethics shall be applicable to all elected or appointed city officials.

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

(Ord. No. 2011-08, § 1, 4-11-2011)

Sec. 2-577. Definitions.

Solely for the purpose of this code of ethics:

(1) *Benefit* means anything, regardless of its monetary value, which:

a. Is perceived or intended by either the one who offers it or the one to whom it is offered, to be sufficient in value to influence a member of the mayor and council in the performance or nonperformance of an official action; or

[12]Editor's note(s)—Ord. No. 2011-08, § 1, adopted April 11, 2011, amended Article VIII in its entirety to read as herein set out. Former Article VIII, §§ 2-576—2-594, pertained to similar subject matter, and derived from Res. of 1-8-2007, div. A, div. B, §§ I, II, div. C, §§ I—X, div. D, §§ 1—III, div. E, §§ II, III, div. F, § I.

State law reference(s)—Ethics in Government Act, O.C.G.A. § 21-5-1 et seq.

b. Under the circumstances, a reasonably prudent person would recognize as being likely to be intended to influence a member of the mayor and council in the performance or nonperformance of an official action.

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

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

(4) *Employee* means any person who is employed in a position by the city, any person who is employed part-time by any operating department of the city, and any person who is employed through a contractual agreement with the city.

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

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

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

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

a. The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of $5,000.00 or more of the equity or market value of the entity;

b. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed (a) $5,000.00 in salary, bonuses, commissions or professional fees, or $5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;

c. The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or

d. The person is a creditor, debtor, or guarantor of the other person or entity in an amount of $5,000.00 or more.

(Ord. No. 2011-08, § 1, 4-11-2011)

Sec. 2-578. Prohibitions.

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

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

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

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

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

(1) This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.

(2) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city manager or chief of police).

(3) Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.

(f) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(g) Public property shall be disposed of in accordance with state law.

(h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.

(i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse themselves and take no further action on matters regarding the potential future employer.

(j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

(k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

(m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.

(n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.

(o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefor.

(p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Cleveland, nor shall any city official engage in ex parte communication with a Municipal Court Judge of the City of Cleveland on any matter pending before the Municipal Court of the City of Cleveland.

(Ord. No. 2011-08, § 1, 4-11-2011; (Ord. No. 2026-01, 6-15-2026))

Sec. 2-579. Financial interest.

(a) A member of the mayor and council may not:

(1) Have a direct or indirect financial interest that conflicts with his responsibilities and duties as a trustee for the public good;

(2) Either directly or indirectly engage in financial transactions as a result of or primarily relying upon information obtained in the course of his office or received due to his position.

(b) A member of the mayor and council shall be deemed to have a financial interest in transactions involving the following:

(1) Any person in the member's immediate family;

(2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits;

(3) Any business in which the member of the mayor and council is director, officer, employee, agent, or shareholder.

(Ord. No. 2011-08, § 1, 4-11-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 2-580. Conflict of interest.

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

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

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

(Ord. No. 2011-08, § 1, 4-11-2011)

Sec. 2-581. Complaint hearings.

(a) The Municipal Court of the City of Cleveland shall hear and render decisions on all proper verified complaints filed under this article.

(Ord. No. 2011-08, § 1, 4-11-2011)

Sec. 2-582. Receipt of complaints.

(a) All complaints against city officials shall be filed with the city clerk, who will give it to the municipal court judge, who may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a

memorandum of complaint in such form as may be prescribed by the city council or the municipal court judge. Upon receipt of a complaint in proper form, the municipal court judge shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven calendar days.

(b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this article.

(c) Upon receipt of a complaint in proper form, the municipal court judge shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council. The municipal court judge is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the municipal court judge shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the municipal court judge is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

(d) Upon completion of its investigation of a complaint, the municipal court judge is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the municipal court judge shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

(e) The municipal court judge is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.

(f) The municipal court judge is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.

(g) Findings of the municipal court judge shall be submitted to the city council for action.

(Ord. No. 2011-08, § 1, 4-11-2011)

Sec. 2-583. Service of complaint.

The city clerk or municipal court judge as appointed herein set forth shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within 60 calendar days after filing of the complaint. The municipal court judge shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the municipal court judge shall be rendered to mayor and council within seven calendar days after completion of the final hearing. At any hearing held by the municipal court judge, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the article shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the municipal court judge or the city council to act upon any complaint.

(Ord. No. 2011-08, § 1, 4-11-2011)

Sec. 2-584. Right to appeal.

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

(b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of White County within 30 days after the decision of the municipal court judge. The filing of such application shall act as supersedeas.

(Ord. No. 2011-08, § 1, 4-11-2011)

Sec. 2-585. Penalty.

Any person violating any provision of this article is subject to one of the following or a combination thereof:

(1) Written notification and warning by a majority of the mayor and city council;

(2) The requirement to attend and successfully complete ethics training and classes;

(3) Public reprimand or censure by the city council;

(4) A fine up to $600.00;

(5) Request for resignation by the city council.

(Ord. No. 2011-08, § 1, 4-11-2011; Ord. No. 2019-11, 11-12-2022)

Secs. 2-586—2-621. Reserved.

ARTICLE IX. FLAG CODE

Sec. 2-622. Establishment of code.

(a) *National anthem; star-spangled banner.* The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America.

(b) *Conduct during playing.* During the rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

(c) *Pledge of allegiance to the flag; manner of delivery.* The Pledge of Allegiance to the Flag, "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all," should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

(d) *Time and occasions for display.*

(1) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

(2) The flag should be hoisted briskly and lowered ceremoniously.

(3) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.

(4) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, the third Monday in February; Easter Sunday (variable); Mother's Day, the second Sunday in May; Armed Forces Day, the third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, the first Monday in September; Constitution Day, September 17; Columbus Day, the second Monday in October; Navy Day, October 27; Veteran's Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of states (date of admission); and on state holidays.

(5) The flag should be displayed daily on or near the main administration building of every public institution.

(6) The flag should be displayed in or near every polling place on election days.

(7) The flag should be displayed in or near every schoolhouse.

(e) *Position and manner of display.* The flag, when carried in a procession with another flag, should be either on the marching right (that is, the flag's own right) or, if there is a line of other flags, in front or the center of that line.

(1) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (e)(9) of this section.

(2) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(3) No other flag or pennant should be placed above, or if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal to, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any territory or possession thereof, provided that nothing in this section shall make unlawful the continuance of practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

(4) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(5) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of states or localities or pennants of societies are grouped and displayed from staffs.

(6) When flags of state, cities, or localities, or pennants of societies are flown on the same halyard with flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

(7) When flags of two or more nations are displayed, they are to be flown from separate staffs off the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(8) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the windowsill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half-staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(9) When displayed either horizontally or vertically against a wall, the union should be uppermost and the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

(10) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or the east in a north and south street.

(11) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(12) The flag should form a distinctive feature of the ceremony of unveiling a statute or monument, but it should never be used as the covering of the statute or monument.

(13) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day, the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States government and the governor of a state, territory, or possession as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the national flag shall be flown at half-staff. The flag shall be flown at half-staff 30 days from the death of the President or former President; ten days from the day of death of the Vice-president, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice-president, or the governor of a state, territory, or possession; and the day of death and the following day for a member of Congress. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. The flag will be flown at half-staff for one hour before the memorial service through the conclusion of the memorial service for those county, City of Cleveland and City of Helen employees killed in the line of duty. On those other occasions when an active employee dies, whether at work or not, a wreath will be placed at the base of the flagpole located in front of each governing authority's office. As used in this subsection:

a. The term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff;

b. The term "executive department" means the Department of State, Treasury, Defense, Justice, Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, or Veterans Affairs;

c. The term "military department" means the Department of the Army, Navy, or Air Force; and

d. The term "member of Congress" means a Senator, a Representative, a Delegate, or the Resident Commissioner for Puerto Rico.

(14) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

(15) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

(f) *Respect for flag.* No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, state flags, and organization or institutional flags are to be dipped as a mark of honor.

(1) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

(2) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(3) The flag should never be carried flat or horizontally, but always aloft and free.

(4) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

(5) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

(6) The flag should never be used as a covering for a ceiling.

(7) The flag should never have placed upon it, nor on any part of it, not attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

(8) The flag should never be used as a receptacle for receiving, holding, caring, or delivering anything.

(9) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

(10) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firefighters, police officers, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel pin, being a replica, should be worn on the left lapel near the heart.

(11) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

(g) *Conduct during hoisting, lowering or passing of the flag.* During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present, except those in uniform, should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

(h) *Flag presentation.* Presentation of the flag during a ceremony should be preceded by a brief talk emphasizing the importance of the occasion. Following the presentation all present should salute the flag, recite the pledge of allegiance, and sing the national anthem.

(i) *Folding the flag.*

(1) Two persons, facing each other, hold the flag waist high and horizontally between them.

(2) The lower striped section is folded, lengthwise, over the blue field. Hold bottom to top and edges together securely.

(3) Fold the flag again, lengthwise, folded edge to open edge.

(4) A triangular fold is started along the length of the flag, from the end to the heading by bringing the striped corner of the folded edge to meet the open edge.

(5) The outer point is turned inward parallel with the open edge, forming a second triangle.

(6) Repeat the triangular folding until the entire length of the flag is folded.

(7) When the flag is completely folded, only the triangular blue field should be visible.

(Res. of 1-4-2000)

Chapter 4 ALCOHOLIC BEVERAGES[1]

ARTICLE I. IN GENERAL

Sec. 4-1. Purpose.

This chapter has been enacted for the purposes, among others, of promoting the health and general welfare of the community, to establish reasonable and ascertainable standards of the regulation and control for the licensing and sales of alcoholic beverages and retail package alcohol; to protect and preserve schools and churches; to give effect to existing land use; and to preserve certain residential areas, with reasonable considerations, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining the stability of neighborhoods and property values; to protect against the evils of concentration of the retail outlets for liquor in one family and/or in one corporation; and to prevent undesirable persons in engaging in or having any interest in alcoholic beverages.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-2. Sales to be licensed; compliance with ordinance and state law required.

It shall be unlawful for any person to sell or offer for sale at wholesale or retail any alcoholic beverages, or to offer for sale for consumption on the premises, or to offer free of charge as a promotional activity or incentive any alcoholic beverages within the city without having first complied with the provisions of this chapter. No person shall sell or possess for the purpose of sale any alcoholic beverage unless such person has a license from the city to sell or possess for sale alcoholic beverages or sell or make deliveries beyond the boundaries of the premises covered by the license. The requirements and restrictions contained by O.C.G.A. Title 3, and regulations promulgated thereunder, which are not otherwise enumerated by this chapter, are hereby expressly incorporated by reference

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

[1]Editor's note(s)—Ord. No. 2011-18, adopted Nov. 14, 2011, amended Ch. 4 in its entirety to read as herein set out. Former Ch. 4, §§ 4-1—4-20, pertained to similar subject matter, and derived from Ord. of 1-24-2000, §§ 1, 2.

State law reference(s)—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; regulation of alcoholic beverages generally, O.C.G.A. § 3-3-1 et seq.; authority of local authorities to license and regulate alcoholic beverage sales, O.C.G.A. § 3-3-2; local regulation of sales on Sundays, O.C.G.A. § 3-3-7; prohibited acts on licensed premises, O.C.G.A. § 3-3-40 et seq.; malt beverages, O.C.G.A. § 3-5-1 et seq.; wine, O.C.G.A. § 3-6-1 et seq.; local licensing requirements for sale of malt beverages, O.C.G.A. § 3-5-40 et seq.; requirements for sale of wine, O.C.G.A. § 3-6-40.

Sec. 4-3. Sale within the incorporated areas of the city; license a privilege.

(a) Alcoholic beverages may be sold within the incorporated areas of the city under a license granted by the city clerk as governed by the terms and conditions hereafter provided.

(b) All licenses herein shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions imposed by the ordinances of the city and state law.

(c) All licenses hereunder shall have printed on the front these words: "THIS LICENSE IS A MERE PRIVILEGE SUBJECT TO BEING REVOKED AND ANNULLED, AND IS SUBJECT TO ANY FUTURE ORDINANCES WHICH MAY BE ENACTED."

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-4. Definitions.

As used in this chapter, defined words shall have the meaning specified unless the context in which the word or term is used clearly requires that a different meaning be used.

For the purpose of this chapter, the following definitions shall apply:

Adequate parking means one parking space for each 200 square feet of customer service area within the premises of applicant, but not less than five parking spaces. Such off-street parking shall have vehicular access to streets and shall be constructed of an all-weather surface.

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

Alcoholic beverages means and includes all beer, malt beverages, wine, and distilled spirits.

Beer or *malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, strong beer, and hard cider as may be defined by state law. The term "malt beverage" does not include sake, known as Japanese rice wine.

Brewpub is a restaurant in which beer or malt beverages are manufactured or brewed subject to state law barrel production limitations for retail consumption on the premises and sold solely in draft form.

Campus property or *school property* means land on which a college or university is located or other schools.

Catering (licensed) means a service provided at banquets, conventions, and weddings where all who attend are provided with food and drink by a licensed caterer.

Church means a permanent building owned by a church or religious organization where persons regularly assemble for religious worship.

City means the City of Cleveland.

City clerk means the person holding the official title of clerk of the city.

College means only such state, county, city, church, or other colleges that teach the subjects commonly taught in the common colleges of the state.

Commercial area means any area which is correspondingly zoned in accordance with the city zoning ordinance.

Convenience store means a small store or shop in a built-up area that stocks a range of everyday items such as groceries, toiletries, soft drinks, and may also offer money order and wire transfer services. The principal business conducted by such establishment deriving at least 50 percent of its total annual gross sales from the sale of these items.

Designee means an appointment made by the city mayor and council to act in the capacity of the city clerk in the absence of a city clerk or anytime so determined by the city mayor and council.

Distance means the measurement along a straight line which describes the shortest distance between property line to property line or building wall to building wall of the tract on which is located the business regulated; to the tract on which is located the school property, college campus property, housing authority property, church building, library building, any residential building, or alcohol treatment center building.

Distilled spirits or *spirituous liquors* means any alcoholic beverages containing alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, cordials, or other spirituous liquors by whatever name called to include fortified wines, as defined by the Federal Alcohol Administration.

Family means and includes any person related to the holder of a license issued under the provisions of this chapter within the first degree of consanguinity or affinity as determined according to the laws of the state.

Food counter means a form of service in restaurants where food is ordered while sitting at a counter. Food counter service is compared with table service where service is provided at the table. Some fast-food restaurants offer only counter service while table service is the common form in most restaurants.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or with brandy added. "Fortified wine" includes, but is not limited to, brandy.

Golf course means an outdoor golf course covering one acre or more and containing at least nine tees, fairways and greens. "Outdoor golf course sales" refers to sales made outside the clubhouse or other structure and on or immediately adjacent to the golf course itself from a mobile or satellite location between the first and final hole on the course.

Grocery store/supermarket means a store that retails food, and stocks other products such as clothing, household items, fruits, vegetables. The principal business conducted by such establishment derives at least 50 percent of its total annual gross sales from the sale of these items.

Hotel/motel means a building or structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers, guests, and transients in which 50 or more rooms are used for the sleeping accommodations of such guests. Boarding houses or other similar facilities which have less than 50 rooms used for sleeping accommodations for such guests are not classified as a hotel for the purposes of this chapter. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a restaurant on their premises, and the holder of such franchise shall be included in the definition of hotel hereunder.

(1) In which the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises, and which shall derive at least 60 percent of its total annual gross sales from the sale of prepared foods and recreation activities; and

(2) In which meals are served, such place being provided with adequate and sanitary kitchen and dining room equipment and a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. Said establishment shall be prepared to serve food every hour they are open.

Inside square area means the unique area located inside of the following description as shown on Attachment I (located at end of chapter). The inside area from traveling in a straight line west on East Jackson

Street crossing North Main Street and continuing west on West Jackson Street to North Bell Street then continuing south on North Bell Street crossing West Kytle and continuing south on South Bell Street stopping at Henderson Street then continuing east on Henderson Street crossing South Main Street and continuing in a straight line to South Brooks Street then continuing north on South Brooks Street crossing East Kytle Street and continuing north on North Brooks Street stopping at East Jackson Street. The defined area known as inside square area can only be changed by an amendment of the ordinance from which this chapter was derived.

Kitchen means a room or part of a room used for cooking and food preparation, which is equipped with a stove, a refrigerator, and a sink with hot and cold running water. A kitchen in addition may have a microwave oven, a dishwasher and other electric appliances. Commercial kitchens must meet all other ordinance requirements, including grease trap and backflow device.

Library means a room, building, or institution where a collection of books, newspapers, records, tapes, computer, e.g., programs or diskettes, or a collection of routines or instructions used by a computer program and other materials that are valuable for research.

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

Licensee means a person or persons, real or artificial, holding any class of license issued under the terms of this and other city alcoholic beverage ordinances. In the case of a partnership or corporation, "licensee" shall include all partners, officers and directors of the partnership or corporation.

Liter means the metric measurement currently used by the United States.

Lounge means a room in which people may relax or wait, or a room where cocktails and other drinks are served. Alcoholic beverages shall not be served or consumed in a lounge. Lounges and bars are prohibited.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term also means:

(1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;

(2) In the case of malt beverages, any brewer; and

(3) In the case of wine, any vintner.

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

Patio or *open area* shall be defined as a portion of an establishment which is outside the main structure but accessible from the main structure and is used for sales of food and/or beverages.

Performing arts facility means and is limited to an establishment:

(1) Which has obtained a special use permit to allow for the presentation of mainline dramatic arts, plays, and theatre productions.

(2) Which has as its principal objective or business the presentation of mainline dramatic arts, plays, theatre productions.

(3) Which does not feature, show, allow, promote or advertise adult businesses as defined and regulated in the City of Cleveland adult entertainment ordinance including, but not limited to, adult dancing establishments, adult mini-motion picture theatres, adult motion picture theatres, adult motion picture arcades and erotic dance establishments.

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.

Premises means the definite closed or partitioned-in facility including, but not limited to, a room, shop, building, restaurant, or club wherein alcoholic beverages are sold.

Private club means any association organized under the laws of the state which has been in existence at least one year prior to filing of its application for a license to be issued hereunder; has at least 75 regular dues paying members; owns, hires or leases a building or space within a building for reasonable use of its members with suitable kitchen and dining space and equipment for the serving of prepared meals for the members and guests; and does not compensate any member, officer, agent or employee directly or indirectly from the profits of the sale of distilled spirits beyond a fixed salary as established by its members at any annual meeting or by its governing board out of the general revenue of the club; except that for the purposes of this section, tips which are added to the bills under club regulation shall not be considered as profits from the sale of distilled spirits.

Private residence means a house or dwelling where not less than one or more than three families customarily reside and shall not include an apartment house having facilities for housing four or more families and any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of any application hereunder.

Registered agent means a natural person residing in the city or the county who is empowered to act for and represent the licensee in all matters with the city relating to an establishment licensed or making application for a license to sell alcohol upon whom any process, notice or demand require or permitted by law or under this chapter may be served. The registered agent may be the licensee if the qualifications set forth in this chapter are met. The registered agent may be different from the registered agent as recognized by the Georgia Secretary of State's office.

Restaurant means a public place kept, used, maintained, advertised and held out to the public as a place where meals are cooked and served and where meals are actually and regularly cooked and served to the public, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and a sufficient number and kind of employees to cook and serve suitable food for its guests. At least one meal per day shall be cooked on the premises and served at least four days a week, with the exception of holidays, vacations, and periods of redecorating, and the cooking and service of such meals shall be the principal business conducted by such establishment. Restaurants may also engage in the selling of unprepared food products. Such establishment shall be authorized to sell open containers of wine or beer, and distilled spirits by the drink only with meals provided that restaurants derive at least 60 percent of its total annual gross sales from the sale of prepared meals or food.

Retail sales means selling or offering for sale alcoholic beverages to any member of the public.

Retailer or *retail dealer* means any person who sells alcoholic beverages at retail only to consumers and not for resale.

School building or educational building shall apply to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and are accredited by the state or federal government.

Special events facility means any public place kept, used, maintained, advertised and held out to the public as a place where special events including, but not limited to, weddings, wedding receptions, private parties and similar events are held, and which may provide meals or food services in connection with such events. Any such facility shall be equipped with an adequate sanitary kitchen or catering kitchen with dining facilities serving meals and other food products associated with its special events on site. Any such facility open to the public for the service of at least one meal per day for three or more days per week shall be considered a restaurant.

Special events vendor means a vendor licensed by the city and/or state to sell alcoholic beverages for consumption. Before receiving a license as a special events vendor, the vendor shall have entered into a contractual agreement with the city for the sale of alcoholic beverages at special events approved by the city to be held on public property.

Specialty gift shop shall be defined as any retail gift shop that derives not more than 15 percent of its gross sales from the sale of package gift baskets containing non-alcohol related items such as flowers, plants, food or similar items which also contain unbroken containers of wine or malt beverages.

Wholesaler or *wholesale dealer* means any person licensed by the state or local government who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine means any alcoholic beverages containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term 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 does not include cooking wine mixed with salt or other ingredients so as 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.

Wine tasting room means a retail establishment that offers the sampling or tasting of wine or wine products.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2012-06, Exh. A, 6-11-2012; Ord. No. 2014-17, 12-8-2014; Ord. No. 2018-16, 11-13-2018; Ord. No. 2021-06, 4-12-2021; Ord. No. 2026-01, 6-15-2026)

Sec. 4-5. Inspection of licensed establishments.

Sworn officers of the police department and the city clerk or designee shall have the authority to inspect establishments licensed under the alcoholic beverage ordinances of the city 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 the alcohol ordinance of the city 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 law.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-6. License to be exhibited.

The licenses provided for herein shall at all times be kept plainly exposed to view of the public at all times in the premises for which the same was issued.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-7. Familiarity with ordinance provisions; responsibilities of licensee for violations.

Each licensee hereunder shall keep a copy of this chapter in the licensed premises and shall instruct any person working therein with respect to the terms hereof and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms hereof. The licensee shall be responsible for any acts of agents or employees which are in violation of this chapter or of the laws of the state or of the rules and regulations of the state revenue commissioner.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-8. Production of records, audits.

(a) In conjunction with any application for license, or in conjunction with any license which has been issued under the terms hereof, or in conjunction with the revocation, suspension or cancellation of any license, or in conjunction with the payment or nonpayment of any excise tax levied or to be collected under this chapter,

the city clerk or designee shall have the right to subpoena all or any part of the records, books, documents, electronic or magnetic media and associated software, reports or invoices of any licensee of the purpose of auditing the records of such licensee, securing compliance by such licensee with the provisions of this chapter, proving or disproving violation of any part of this chapter by any licensee, or showing payment or nonpayment of any taxes, fees, charges or the like due hereunder.

(b) All licensed establishments must maintain the following records for a three-year period and make the original records or certified copies available for audit at the licensed premises:

(1) Monthly income or operating statements;

(2) Daily sales receipts showing beer, and wine separately;

(3) Daily cash register receipts such as Z tapes;

(4) Monthly Georgia sales and use tax reports;

(5) Federal income tax returns with all Form 1099's; and

(6) Daily sales receipts showing distilled spirits separately.

(c) The licensee of restaurants, indoor civic/cultural facility, or restaurant within a hotel, shall report to the city monthly, total gross sales and gross sales of all alcoholic beverages, including distilled spirits, malt beverages, and wine to ensure and verify compliance with the required 60/40 sales ratio. Sixty percent dedicated to food and non-alcoholic sales and 40 percent dedicated to all alcohol sales including distilled spirits, malt beverages, and wine. This report shall be due on or before the tenth day of the following month as referenced in section 4-200.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014; Ord. No. 2021-06, 4-12-2021)

Sec. 4-9. Invoices.

(a) Upon each and every delivery by a licensed wholesaler to a licensed retailer, an invoice in triplicate shall be prepared showing the quantities and brands of malt beverages and wine delivered, together with the price thereof and the excise tax due and collected thereon. The original of such invoice shall be delivered by the wholesaler to the retailer simultaneously with such delivery. The wholesaler shall retain the second copy of such invoice and shall keep it for a period of 36 months after the date of delivery and during authorized representatives. The remaining copy of the invoice shall be distributed in accordance with Georgia law. Upon request of the city, a copy of such invoice shall be attached to any reports requested or required by the city.

(b) Each retail licensee doing business in the city shall keep and maintain accurate and complete records regarding the purchases and sales made by such business including, but not limited to, the original invoice of each sale from a wholesaler of any alcoholic beverages and shall maintain such records for at least 36 months after the date of such purchase. Such records shall reveal the gross sales from the operation of their business and the exact quantities of malt beverages and wines by size and type of container purchased by such retail dealer together with the dates of delivery of such shipments by wholesale dealers as well as the identity of each wholesale dealer from whom such licensee purchases alcoholic beverages. The city or its duly authorized representative shall have the right to inspect the records of each licensee to maintain proper records showing receipt of alcoholic beverages, payment therefor, and payment of the taxes due thereon to the appropriate wholesaler, and records which clearly show the sales, the amount of sales, and the types of sales of each licensee may, at the discretion of the city clerk or designee, after a hearing as herein provided, result in the revocation or suspension of such license.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-10. Penalties established for failure to keep records.

(a) In the event that any wholesaler dealer or retail dealer licensed under this chapter shall fail to keep and maintain records required to be kept of sales by this chapter or in the event that the right of audit is refused to persons duly authorized by the city to conduct such audits, the license of such dealer shall be subject to suspension or revocation as provided for under this chapter.

(b) In the event that an audit of the records required to be kept by wholesale and retail dealers under the terms of this chapter are found to vary from the monthly reports required to be furnished by the wholesale dealers to the city and such discrepancies are not explained to the satisfaction of the city clerk or designee, the license of such wholesale dealers shall be subject to suspension or revocation as provided for under the ordinances of the city. If it appears to the city clerk or designee that any retail dealer participated in or conspired with any wholesale dealer to falsify or keep and maintain incorrect records of such sales in order to avoid payment of the taxes imposed by this chapter, all licenses of the licensees involved in such scheme shall be subject to suspension or revocation as provided for under this chapter.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-11. Alcoholic beverage review board.

The Mayor and Council of the City of Cleveland, at its discretion, may appoint an alcoholic beverage review board. The mayor and city council will develop guidelines for the effectiveness of the alcoholic beverage review board.

Members of the alcoholic beverage review board shall receive compensation of $100.00 per diem, payable monthly, for attendance at each scheduled or called meeting of the board.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2018-16, 11-13-2018; Ord. No. 2026-01, 6-15-2026)

Sec. 4-12. Application forms.

All persons, firms or corporations desiring to sell alcoholic beverages within the city shall make application on the forms prescribed by the appropriate authorities of the city to the city clerk or designee and must follow the applicable procedures, hereinafter set forth.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-13. Procedure for considering application.

The city clerk or designee shall not consider any application for a license until the written application provided for herein shall have been made, the application fee paid, the plat required herein filed and the fingerprinting and investigation of all persons as required under this chapter is completed by the police department. The chief of police shall attach to said application and form a part of the permanent city record. Upon the completion of all of the foregoing, the application, together with all data, shall be submitted to the city clerk for consideration pursuant to this chapter.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-14. Application; data; information; requirement.

The appropriate officials, depending upon the type of license or permit involved, shall have authority to prescribe forms for new or renewal applications which are required under this chapter. Applicants are required to complete all aspects of all prescribed forms required under this chapter. The failure to provide all information required by such forms may result in denial of any application under this chapter. All applicants shall furnish all data requested by the city clerk or designee, or the chief of police and failure to furnish such data, information and records within 30 days from the date of such request shall automatically serve to dismiss, with prejudice, the application. The applicants, by filing an application for a license permitted under this chapter, agree to produce, for oral interrogation, any person or persons requested by the city clerk or designee, or the chief of police, considered by either as being important in ascertaining the facts relative to such application and/or licenses issued under this chapter. The failure to produce such person or persons within 30 days after being requested to do so shall result in the automatic dismissal, with prejudice, of any application pending under this chapter. The application form and all data requested by the city clerk or designee or the chief of police shall be subscribed by the applicant(s) under oath before a notary public or other officer authorized to administer oaths. Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof and possible prosecution under State of Georgia Statutes.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-15. Citizenship; residence requirements; registered agent; prohibited interests.

(a) No license for the sale of alcoholic beverages shall be granted to any applicant who is not a citizen of the United States or an alien lawfully permitted for permanent residence. Where the applicant is a corporation or other business entity other than an individual, any stockholder or principal owning more than a ten percent financial interest must meet the requirements contained herein and, in the event any license provided for hereunder shall be issued, such license shall be issued in the name of the corporation or business entity and the principal stockholder or principal behind such business entity. If the applicant is a partnership, the requirements contained herein shall be met by all partners, whether general or limited partners.

(b) All applicants and licensed establishments must have and continuously maintain in the city or in the county 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 a resident of the city or county. The applicant or licensee shall file such forms as required by the city clerk or designee to provide the name of the registered agent and consent of such agent to serve in said capacity. Additionally, the registered agent shall tender a release permitting the city police department to perform an investigation to verify the residency of the registered agent.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-16. Application; form; content; process; deposit.

(a) All persons desiring to engage in the sale or distribution of alcoholic beverages within the city shall make a written application to the city clerk or designee for such privilege upon the forms provided by the city clerk or designee. The application shall include but shall not be limited to: the name and address of the applicant; the proposed business to be carried on; the name and address of the registered agent for service of process; the name and address of manager; if a partnership, the names and addresses of the partners, and, if a corporation or other entity, the names and addresses of the officers and the names and addresses of all stockholders holding more than ten percent of any class of corporate stock or more than a ten percent

financial interest in the business or in any other entity having a financial interest in the business. If the manager changes, the applicant must furnish the city clerk or designee with the name and address of the new manager and other information as requested within ten days of such change. The applicant shall also disclose whether the applicant (its partners if a partnership; its officers, manager, and stockholders having more than ten percent of any class of corporate stock if a corporation) has:

(1) Been convicted of or plead guilty or nolo contendere to any felony, misdemeanor, or a violation of any municipal ordinance; and

(2) Has any interests in a license to sell any alcoholic beverage by the package at retail within the state.

The application form and all data requested by the city clerk or designee, or the chief of police shall be subscribed by the applicant(s) under oath before a notary public or other officer authorized to administer oaths. Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof and possible prosecution under State of Georgia Statutes.

(b) No license hereunder shall be issued to any applicant unless information is provided as required in the written application concerning the business location and building construction. The completed building or the proposed building shall comply with the ordinances of the city, regulations of the state revenue commissioner, the laws of the state, and all other pertinent laws. The proposed building shall also be subject to final inspection and approval when finished by the building inspector. Each building in which the business is to be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. All premises for which a license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by the customers herein.

(c) Each applicant seeking a license under this section shall submit proof of ownership of the building in which the applicant will conduct its business. If the applicant is the owner of such building, the applicant shall provide a certified copy of the deed conveying ownership to the applicant. If the applicant is not the owner of such building, the applicant shall provide a copy of the current lease, in addition to a certified copy of the deed conveying ownership to the current owner of the building.

(d) Each applicant shall submit a survey by a registered land surveyor showing compliance with all distance requirements contained herein.

(e) All applicants under this section shall submit a complete copy of the Personnel Statement Form ATT-17, State of Georgia, Department of Revenue, Alcohol and Tax Control Unit.

(f) In the case of corporate or limited partnership applicants, the applicant must be a business in good standing with the Secretary of State of Georgia.

(g) In addition to the completion and submission of the application form as required by this chapter, such applicant shall attach thereto a complete application form will all attachments and requirements for a state license.

(h) Each application for a license under this chapter shall be accompanied by a certified check or cash for the full amount of the license fee in accordance with the scale fixed by the city council, together with a separate certified check or cash in the amount of $250.00 payable to the city and shall be paid over to the clerk of the city or designee who shall note the payment of such application fee upon the original application for such license. The application fee provided for herein is to be used to defray the investigative and administrative costs and expenses of investigating and considering the application. If the application is denied and the license refused or if the applicant withdraws his application after submission to the city clerk or designee, the application fee provided herein shall not be refundable. However, the license fee (without interest) shall be

refunded. Any request to amend any provision of a license granted under this chapter is subject to an additional $150.00 administrative application fee.

(i) Each application shall contain a certification stating that the applicant (its partner if a partnership; its officers, manager, and stockholders having more than ten percent of any class of corporate stock if a corporation) and registered agent have read this chapter.

(j) In the event the applicant is denied a license by the state, the license fee (without interest), but not the application fee, shall be refunded.

(k) The city shall require not less than 15 or more than 60 days for processing any application for license permitting the sale of alcoholic beverages for consumption on the premises after a complete application, including all additional information requested, has been submitted.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-17. Fingerprints of applicants, owners, managers.

As a prerequisite to the issuance of a license permitting the sale of alcoholic beverages, all applicants, owners, and managers shall submit themselves to the city police department for the purpose of providing a set of fingerprints, which fingerprints may be forwarded to the appropriate investigative agencies of both the state and federal governments who shall search the appropriate files for any instance of criminal activity within the previous ten years and such fingerprints may be submitted to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records; said record(s), if any, shall be obtained and returned to the police department. In addition, the requirements of this section shall apply to all newly hired managers.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-18. Advertisement of intent to engage in business; signs posted.

(a) All applicants desirous of obtaining a license for the sale of alcoholic beverages shall give notice at their expense of the making of an application by advertisement at least twice for two consecutive weeks, said advertisement to begin no later than ten days following submission of the application required by section 4-16 (application; form; content; process; deposit). The advertisement shall be published in the legal organ (newspaper) of White County in which the legal advertisements of the city are published. The advertisement referred to herein shall be of type not smaller than ten-point capital in lower case and shall be at least a two-inch, one-column advertisement in size. Said notice shall contain a complete description of the location of the proposed business and shall give the name of the applicant and if a partnership, the names of the partners, whether limited or general, and if a corporation, the names of the officers and all stockholders having more than ten percent of a class of corporate stock therein, and the date the application was filed with the city clerk or designee. The advertisement shall contain the following additional statement: "AN APPLICATION HAS BEEN FILED ON (date) WITH THE CLERK OF THE CITY OF CLEVELAND FOR A LICENSE TO OPERATE AND SELL ALCOHOLIC BEVERAGES AT THE ABOVE LOCATION. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CLERK OF THE CITY OF CLEVELAND NO LATER THAN 60 DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CLERK OF THE CITY OF CLEVELAND."

(b) Tear sheets and a publisher's affidavit shall be furnished to the city by the applicant(s) prior to the applicant's application being considered complete.

(c) The applicant shall cause to be placed at their expense upon the location of the proposed business no later than ten days following submission of the application, a sign or signs stating the following: "AN APPLICATION HAS BEEN FILED ON (date) WITH THE CLERK OF THE CITY OF CLEVELAND FOR A LICENSE TO SELL _____. A DECISION ON WHETHER OR NOT TO GRANT OR DENY SUCH A LICENSE WILL BE MADE BY THE CLERK OF THE CITY OF CLEVELAND NO LATER THAN 60 DAYS FROM THE DATE THE FILED APPLICATION IS DETERMINED TO BE COMPLETE. MEMBERS OF THE PUBLIC ARE INVITED TO NOTE ANY OBJECTIONS, IN WRITING, THAT THEY MAY HAVE TO THE GRANTING OF SUCH A LICENSE BY FILING SAID WRITTEN OBJECTIONS WITH THE CLERK OF THE CITY OF CLEVELAND."

(d) The sign or signs required by subsection (c) shall be constructed of wood or metal and shall be placed with the base of the sign not more than three feet from the ground and shall be not less than 48 inches by 48 inches in size and shall face toward all public streets, alleys, sidewalks or other public property adjoining the proposed location. The statement above shall be printed or painted on the sign in the English language. Such signs shall be placed where they can be easily seen and the statement above easily read from all public properties adjoining the proposed location. Said sign shall not be require to comply with the requirements of the zoning ordinance pertaining to signs.

(e) The advertising requirements of this section shall not be required in cases where the location of the proposed business has previously served as a location where alcoholic beverage sales have been licensed within five years of the date of the application for license.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-19. Separate application and separate license for each location of sales.

Separate applications must be made for each location and separate licenses obtained.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-20. Annexation of licensed businesses.

Any person, persons, establishment, partnership, corporation or other entity which holds a license from a county for the retail sale of package malt beverages and wine, or consumption of distilled spirits, and which is located in an area annexed by the city, shall have 30 days from the effective date of the annexation to apply for the appropriate licenses and permits under this chapter. However, all applicable fees and costs for the equivalent license(s) in the city shall be waived for the year of annexation.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014)

Sec. 4-21. Other licenses.

The licenses and taxes provided for in this chapter are not levied in lieu of any other license fees or taxes that may be levied upon licensees but are in addition thereto.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-22. Restriction upon transfers.

(a) Licenses permitting the sale of alcoholic beverages shall not be transferable except as otherwise provided for in this section.

(b) In case of the death of any person owning a license, or any interest greater than ten percent therein, the license may, with the approval of the city clerk or designee and subject to the terms of this chapter, be transferred to the administrator, executor or personal representative of the deceased person, or the lawful heirs of the deceased person, if such heirs make application and meet all of the other qualification contained herein. The license of such deceased person shall be held by the administrator, executor or personal representative of such deceased person only for the time necessary to complete execution of his estate and dispose of the license or his interest therein, but in no event to exceed eight months. In the event of the bankruptcy or in the event that any applicant shall have a receiver appointed by any court of competent jurisdiction, such license shall be transferable to such receiver or trustee in bankruptcy for such period of time as may be granted by the city clerk or designee for the proper liquidation of such assets and stock and goods of alcoholic beverages or both.

(c) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license to withdraw from the partnership and to assign his/her interest in such partnership to one or more of the partners who were partner at the time of the issuance of the license. Such a withdrawal shall not, however, serve to bring any new ownership into the partnership, unless all provisions of this chapter are fully complied with, and then only upon the approval of the city clerk or designee. This section shall not prohibit transfer of stock to persons who held more than ten percent of any class of stock in the corporate owner at the time of issuance of the license.

(d) A licensee may take in partners or additional stockholders where it is determined that additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business or for building new facilities and where it appears that the licensee will directly receive none of the additional capital investment. Under this section an additional partner or new stockholder must be approved by the city clerk or designee. This subsection only applies to corporations when the new stockholder obtains ten percent or more of the common stock or financial interest in the business entity.

(e) Should a transfer of the license be approved, there shall be no prorated return of any license fee, and the new licensee shall meet all requirements for a new license to be issued hereunder, except payment of license fees.

(f) Except as provided above, any change in the ownership of any entity owning a licensed establishment shall be cause for immediate suspension of any license issued hereunder pending a revocation hearing as provided for under this chapter.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-23. Time limit for commencement of business in licensee's establishment; forfeiture for non-use.

(a) All holders of licenses permitting the sale of alcoholic beverages must within 12 months after the issuance of said license, open for business the establishment referred to in the license. Failure to open the licensed establishment within 12 months after the issuance of such license shall serve as cause for the revocation of such license and no refund of license fees shall be made to the license holder. A six-month extension to the 12-month period may be granted by the city clerk or designee in the case of a license authorizing the sale of alcoholic beverages for consumption on the premises.

(b) Failure to operate the business authorized by a license under this chapter for a period of six consecutive months after the licensee has begun operation under a license, shall serve as cause for the revocation of such license and no refund of license fees shall be made to the license holder.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-24. Annual renewal.

All licensees holding licenses permitting the sale of alcoholic beverages shall be required to file their application to renew their licenses by November 30 of each year on forms prescribed by the city clerk or designee.

(Ord. No. 2021-06, 4-12-2021)

Sec. 4-25. Training required for issuance of licenses.

(a) The applicant for a license under this chapter shall present to the city clerk or designee a current certification of attendance at an approved alcohol awareness training program.

(b) If the applicant lacks such training and certification, the applicant shall have 30 days from the date of the granting of the license to complete the training and submit certification to the city clerk or designee. Upon due cause being shown, the city clerk or designee may grant an extension of time, not to exceed 60 days, to complete said training. Failure to timely obtain such certification shall be grounds for revocation of the alcoholic beverage license.

(c) Every applicant to whom a handling permit is issued and all managerial staff of a licensee shall also complete an approved alcohol awareness training program within 30 days of being issued a pouring permit, being employed as a part of any managerial staff, or being issued a license in the case of the named individual licensee.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-26. Considerations for granting a license permitting the sale of alcoholic beverages.

(a) The sale of alcoholic beverages provided for by this chapter is purely a privilege and the city clerk or designee shall have discretionary powers to grant or refuse to grant any such application for license hereunder; however, it shall be proper for the city clerk or designee to consider the following matters in connection with any application for license hereunder, which considerations are deemed to be in the public interest and welfare, as follows:

(1) That the applicant for a license for retail sales or consumption on the premises is related to any distributor or wholesaler of alcoholic beverages or employees thereof within the first degree of consanguinity or affinity as computed according to the laws of the state;

(2) That the applicant for a wholesaler license is related to any retailer of alcoholic beverages or employees thereof within the first degree of consanguinity or affinity as computed according to the laws of the state;

(3) That the applicant, or any person having a direct or indirect beneficial interest in the issuance of the license, has had any license issued by the city or by any other city in the state, or by any other licensing authority in the state relating to the manufacture, distribution or sale of alcohol or malt beverages suspended within the past five years or revoked within the past ten years;

(4) That any applicant for a license to sell package beer and wine is related to any distributor or wholesaler of alcoholic beverages or employees thereof within the first-degree consanguinity or affinity as computed according to the laws of the state;

(5) That any applicant for a license to sell package beer and wine, or any person having a direct or indirect beneficial interest in the issuance of the license, has had any license issued by the city or by any other city in the state, or by any other licensing authority in the state relating to the manufacture,

distribution or sale of alcohol or malt beverages suspended within the past five years or revoked within the past ten years;

(6) That the applicant or any person owning a direct or indirect beneficial interest in the license for which application is made does not have sufficient mental capacity to conduct the business for which the application is made, or who has been dishonorably discharged from the Armed Services of the United States, or fails to demonstrated financial stability;

(7) That the applicant is not 21 years of age or older;

(8) That the applicant is not a citizen of the United States or an alien lawfully permitted for permanent residence;

(9) The location of the premises from which the proposed sale of alcoholic beverages shall be conducted does not meet the distance restrictions below;

(10) That any licensee, owner, or manager has not obtained a valid alcohol handling permit as required by this chapter;

(11) Failure to meet any other criteria specified by this chapter;

(12) The applicant's reputation, character, mental and physical capacity to conduct the business proposed to be conducted;

(13) That applicant, or any person who shall have a direct or indirect beneficial interest in the license, as a previous holder of a license to sell any type of alcoholic beverages has been found to have violated an law, regulation or ordinance relating to such business within a ten-year period, immediately preceding the date of the application for license hereunder;

(14) If applicant is a previous holder of a license to sell any type of alcoholic beverages, the manner in which he or she conducted the business under such license and as to the necessity for any unusual police observation and inspection of such prior business in order to prevent the violation of any law, regulation or ordinance relating to such business;

(15) If applicant has had a prior license, whether or not any such prior license for the sale of any type of alcoholic beverages has been previously suspended or revoked or whether or not hearings have been held for the revocation or suspension of any such license regardless of whether or not any such license was revoked or suspended as a result of such hearing;

(16) The location of the premises from which the proposed sale of alcoholic beverages shall be conducted;

(17) That corporate or other business entity applicants are of bad business reputation;

(18) That applicant, or any person who shall have a direct or indirect beneficial interest in the license, has had any city license revoked within two years prior to the filing of the application;

(19) Any other matters which the city clerk or designee in his/her sole discretion may choose to consider;

(20) That the facility where the business entity applicants propose to sell alcoholic beverages does not meet city zoning requirements.

(b) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character.

(c) A license may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

(d) The city clerk or designee has discretionary authority to consider any extenuating circumstances, which may reflect favorably or unfavorably on the applicant, application, or the proposed location of the business. If in the judgment of the city clerk or designee, circumstances are such that granting the license would not be in the best interest of the general health, safety, meets all current ordinance codes, including all building codes, and public welfare, such circumstances may be grounds for denying the application.

(e) All decisions of the city clerk or designee either approving or denying a license application shall be stated in writing, and a copy of such statement shall be provided to the applicant either personally or by certified mail.

(f) Whenever the city clerk or designee shall deny an application for a license permitting the sale of alcoholic beverages for consumption on the premises, the applicant shall be notified of the right to a hearing under this chapter upon timely application.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-27. Moral character criminal record of owners, officers, shareholders, managers.

(a) Where the applicant is a corporation or other business entity other than an individual, the provisions of this section shall apply to all its stockholders or principals owning more than a ten percent financial interest, and all partners, officers, and managers.

(b) No person shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the city clerk or designee that such person, partners in the firm, or officers and directors of the corporation are of good moral character and reputation. In no event shall any license be granted to any applicant when a person to whom this section applies has been convicted or has pleaded guilty or entered a plea of nolo contendere to any felon involving moral turpitude, lottery, illegal gambling, illegal possession or sale of illegal drugs or alcoholic beverages, or any felony of the United States or any state or municipality within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by duly sworn affidavit, certify that the applicant, nor any of the other owners of the establishment, nor the manager of such establishment has been convicted or has pleaded guilty or entered a plea of nolo contendere to any of the crimes enumerated above within a period of ten years immediately prior to the filing of such application. Should any person to whom this section applies, after a license has been granted, be convicted or plead guilty or nolo contendere to any of the crimes enumerated above, the license shall be suspended pending a revocation hearing as provided for under this chapter.

(c) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense to which defendant was allowed to avail themselves of the Georgia First Offender Act (Ga. Laws 1968, p. 324), as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered and adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(d) A licensee denied a license under subsection (b) of this section may reapply for such license upon the expiration of two calendar years from the date of the original application.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-28. Payment of taxes and other debts to the city.

The city clerk or designee shall cause an inquiry to be made into the tax records of the city to determine if any applicant or other parties interested in an application have any outstanding taxes or special assessments that

are delinquent or any other monies owing to the city. No license shall be issued, nor shall a license be renewed, until all such debts are paid in full.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-29. Change in relationships and/or ownership interest.

Any change in any of the relationships and/or ownership interest contained on the application must be filed with the city clerk or designee within 30 days after such change is made and the failure to do so shall be grounds for immediate suspension or revocation of an alcohol license as provided for under this chapter or for the immediate denial of any application for such a license.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-30. Completion of proposed licensed premises.

Where a building in which an applicant proposes to operate under a license permitting the sale of alcoholic beverages is at the time of application for such license not in existence, not yet completed, or under renovation a license may be issued for such location providing the plans and specifications for the proposed building are filed with the city clerk and show clear compliance with the other provisions of this chapter and other applicable ordinances of the city. No sales shall be allowed in such establishment until it has been completed in accordance with said plans and specifications and is in conformity with all other provisions of this chapter and other applicable ordinances of the city and an occupancy permit has been issued.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-31. Application for new license in existing license location.

An application for a new license in an existing license location shall meet and qualify under all requirements of this chapter for granting of a new license except as provided in section 4-18(e).

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-32. Managers and employees; responsibilities.

(a) It shall be the duty of all licensees who sell alcoholic beverages to file two submittals annually; on or before June 1, and again on or before December 1 with the chief of police. Such submittal shall include the name of the establishment, the license number and the following information regarding: (1) all licensees, owners, and managers, and (2) all employees working on the premises and connected with the sale of alcoholic beverages: name, birth date; Social Security number; home address; home telephone number; race; gender; place of birth (if outside the United States, Alien Registration Number); driver's license number and state of issuance; height; weight; hair color; eye color; alias used presently or in the past, and places of employment.

(b) No licensee shall allow any manager or employee required under this section to hold a permit to work on the licensed premises beyond ten business days after their first week beyond February 1, 2011, unless the licensee has on file, on the premises, the current, valid alcohol handling permit of each such manager or employee. An individual working on the premises beyond ten business days after their first week beyond February 1, 2011, in an establishment holding a license to sell alcoholic beverages without the required permit shall be considered in violation of this chapter and the employee and licensee punishable as provided elsewhere in this chapter.

(c) In the event that any permit holder leaves the employ or withdraws from ownership of a licensed establishment, the licensee shall immediately surrender the alcohol handling permit to the chief of police.

(d) The licensee is responsible for the conduct and action of his/her employees while his/her employment. Should an employee be convicted or plead guilty or nolo contendere to the charge of sale or attempted sale of alcoholic beverages to any person under 21 years of age, the licensee employing such employee shall return to the chief of police that employee's alcohol handling permit and shall not permit such employee to sell, take orders for delivery, or to aid or assist in the sale or delivery, directly or indirectly, of alcoholic beverages.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2021-06, 4-12-2021; Ord. No. 2026-01, 6-15-2026)

Sec. 4-33. Employment of persons with certain prior convictions prohibited.

No licensee shall employ in connection with the sale of alcoholic beverages any person in any capacity whatsoever, who has been convicted in the courts of this state or any other state, or the courts of the United States or any other country, within ten years immediately prior to the application for employment of soliciting for prostitution, pandering, letting of premises for prostitution, keeping a disorderly place, illegal dealing in narcotics, sex offenses, or other charges related to the manufacture or sale of alcoholic beverages, any felony, or any crime involving moral turpitude. For purposes of this chapter, a plea of nolo contendere shall be considered a conviction.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-34. Licensees, owners, managers, and employees; alcohol handling permit.

(a) All licensees, owners, and managers must make application for and obtain an alcohol handling permit prior to being granted a license to sell alcoholic beverages. In addition, all persons employed to work on the premises in connection with the sale of alcoholic beverages shall, within three days after the date of their first week beyond February 1, 2011 in an establishment holding a license to sell alcoholic beverages, file a signed application and provide an authorization for release of personal information and criminal history record information to the chief of police or authorized representative. Said application shall include, but shall not be limited to, the name, date of birth, and prior arrest record of the applicant. The licensee shall also be noted. Any arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order. No permit shall be issued until such time as a search of the criminal record of the applicant has been completed. The applicant must also certify that he or she has read and understands the legal restrictions on alcohol handling and sales and the potential penalties that may apply if such requirements are not met.

(b) The chief of police shall have a complete and exhaustive search made relative to any police record of the person to be cleared. No alcohol handling permit may be issued to any person who has been convicted in this state or any other state, or in any country, within ten years immediately prior to the application of soliciting for prostitution, pandering, letting of premises for prostitution, keeping a disorderly place, illegal dealing in narcotics, sex offenses, or other charges related to the manufacture or sale of alcoholic beverages or illegal drugs, any felony, any crime involving more turpitude or a second offense for driving under the influence of alcohol. In the event there is no record of a violation of this chapter, the chief of police shall issue a permit to the applicant which shall be specific as to the licensee. The chief of police may prescribe reasonable fees for processing such permits which shall be paid at the time application is made. If it is found that the person to be cleared is not eligible for a permit, the chief of police shall notify the applicant and city clerk or designee, and in the case of manager or employee applicants, the applicant's employer, that this

person is not eligible for a permit and/or employment. The applicant who is denied an alcohol handling permit may appeal such ruling to the alcoholic beverage review board.

(c) All permits issued hereunder remain the property of the city and shall be produced for inspection upon the demand of the chief of police, the city clerk, or an agent designated by either. Such permit shall be present on the premises and displayed at all times while the permittee is working. All permits issued through administrative error or through an error in completion of a background investigation may be terminated by the chief of police or the city clerk or designee.

(d) No person shall be issued an alcohol handling permit and it shall be considered a violation of this article if it is determined that the person knowingly and willfully falsified, concealed, or covered up any material fact by any device, trick, or scheme while making application to the chief of police for an alcohol handling permit under this article. Any person convicted of this offense shall be punished by a fine of up to but not more than $500.00.

(e) The provisions of this section shall not be applicable to licensed wholesalers.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2021-06, 4-12-2021; Ord. No. 2026-01, 6-15-2026)

Sec. 4-35. Alcohol handling permit; renewal.

(a) Any permit issued hereunder shall expire one year from the date of issuance (two years for non-managerial employees of package stores) unless earlier revoked by the city clerk or designee, or chief of police. All individuals (if still employed in such establishment) holding alcohol handling permits shall be required to submit an application to renew their permits in advance of the expiration date on forms prescribed by the chief of police. A minimum of 14 days shall be required for review prior to issuance of a renewed permit. If such renewal application is not made prior to the expiration date, a penalty of 50 percent of the renewal fee shall be imposed. Handling alcohol without a valid permit is expressly prohibited.

(b) The penalty for an individual being convicted or pleading guilty or entering a plea of nolo contendere for a violation of this chapter shall be punished by a fine of up to but not more than $250.00 unless otherwise stated.

(Ord. No. 2011-18, 11-14-2011)

Secs. 4-36—4-60. Reserved.

ARTICLE II. LICENSING

Sec. 4-61. License permitting the sale of alcoholic beverages.

(a) No alcoholic beverages shall be sold for consumption on the premises in a wine tasting room except under a license granted by the city clerk or designee, as provided in this chapter.

(b) Only the following shall be licensed under the City of Cleveland Alcohol Ordinance as defined in section 4-4:

(1) Sixty percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises of restaurants, indoor civic/cultural facility, or restaurant within a hotel. The licensee shall report to the city monthly, total gross sales and gross sales of all alcoholic beverages, including distilled spirits, malt beverages and wine to ensure and verify compliance with the required 60/40 ratio. Said establishment's kitchen shall remain open and shall be prepared to serve

food during all hours when alcoholic beverages are sold; the sale of alcoholic beverages when the kitchen is closed is prohibited.

(2) Wine tasting rooms for consumption of samples at specialty gift shops;

(3) Alcoholic beverages only for consumption at a special event;

(4) Alcoholic b~~B~~everages only for consumption through outdoor golf course sales;

(5) Alcoholic b~~B~~everages only for consumption off the premises by a licensed alcoholic beverage caterer;

(6) Performing arts facility;

(7) Malt beverages only for package on the premises of convenience stores, and grocery stores/supermarkets;

(8) Wine beverages only for package on the premises of convenience stores and grocery/supermarkets and specialty gift shops;

(9) Alcoholic beverages only for consumption at a special events facility; and

(10) Distilled spirits beverages only for consumption on the premises of restaurants.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014; Ord. No. 2018-16, 11-13-2018; Ord. No. 2021-06, 4-12-2021; Ord. No. 2026-01, 6-15-2026)

Secs. 4-62—4-80. Reserved.

ARTICLE III. CONSUMPTION

Sec. 4-81. Issuance of consumption on premises license limited to designated area occupational tax certificate—Consumption on premises.

(a) No license permitting the sale of alcoholic beverages for consumption on the premises shall be issued to any person unless the business or the proposed business to be licensed hereunder is a restaurant, performing arts facility, golf course, special events facility, wine tasting room, or brewpub as each of these terms is defined in section 4-4 and in the following sections.

(b) In the case of outdoor golf course, sales of alcoholic beverages for consumption, only the sale of malt beverages and wine shall be permitted.

(c) No license permitting the sale of alcoholic beverages for consumption on the premises shall be granted except when the business is located in the commercial zoning classifications and fronts state routes with the exception of Inside City Square Area as drawn on Attachment I (square map) and city streets with the following specifications:

(1) In no case shall the city street be less than three lanes including a center turn lane with width, back of curb to back of curb being no less than 37 feet.

(d) Licenses for performing arts facilities shall only be issued where the facility is located in the commercial zoning classification and has obtained a special use permit to operate as a performing arts facility. Licenses shall only be issued for a business that is a permitted use in that particular zoning district and no license for the sale of alcoholic beverage or consumption on the premises may be issued to any business licensed for operating as any type of adult entertainment establishment as set forth in ordinances of the City of Cleveland.

(e) No license permitting the sale of alcoholic beverages for consumption on the premises shall be issued to any person unless the business or the proposed business to be licensed hereunder has made application for and received an occupation tax certificate as a restaurant, performing arts facility, caterer, golf course, wine tasting room, or brew pub.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-82. Distances for consumption license.

(a) No license permitting the sale of alcoholic beverages for consumption on the premises shall be issued hereunder where the place of business of the applicant is located within a distance of 300 feet of any school property, college campus property, housing authority property, church building, or alcohol treatment facility building or public library building. Any location licensed hereunder may continue to operate any of the businesses described in this section in the event that any such school property, college campus property, housing authority property, city park property, church building, or alcohol treatment facility building is subsequent to the date of the granting of such license for such premises, located closer than the distances set forth herein.

(b) No license permitting the sale of alcoholic beverages for consumption on the premises will be issued if the regulated business building and the residential building is closer than 50 feet. If the regulated business building is between 50 feet and 200 feet from a residential building a **permanent** six-foot privacy fence shall be erected and extend the full length of the business property line. The face or finished side of the privacy fence shall face the residential property and shall be maintained by the licensee. The fence shall be inspected and approved by the building inspector.

(c) Said distance for the purpose of this section shall be measured as defined under the definition section 4-4. The term "property" shall mean property line to property line and the term building shall mean building wall to building wall. Because of the unique nature of the Cleveland City Square commercial area and the desire to encourage economic health and stability in that area, all distance limitations set forth in this section shall be reduced to zero feet for businesses located on the area known as inside square area as drawn on Attachment I (map).

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-83. Special event licenses.

(a) Special event licenses shall be limited to no more than a two-day license, shall be limited to four special event licenses per non-profit civic organization or an applicant per year, and shall permit sales only at locations in areas zoned commercial or industrial.

(b) Special event licenses shall be granted:

1. To a non-profit civic organization in conjunction with a person or business possessing a current alcoholic beverage license permitting consumption of alcoholic beverages on the premises ("for-profit licensee"). The for-profit licensee or the licensee's employees shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages to consumers. Both the nonprofit licensee and the for-profit licensee shall be responsible for compliance with all aspects of this chapter and state law, and liable for infractions thereof; or

2, An applicant in conjunction with a person or business possessing a current alcoholic beverage license permitting consumption of alcoholic beverages on the premises ("for-profit licensee"). The for-profit licensee or the licensee's employees shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages to consumers. Both the nonprofit

licensee and the for-profit licensee shall be responsible for compliance with all aspects of this chapter and state law, and liable for infractions thereof.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-84. Brewpub licenses.

(a) No person shall be permitted to own or operate a brewpub without first obtaining a brewpub license from the city clerk or designee pursuant to the same procedures as are set forth in sections 4-151—4-160, and each brewpub license holder shall comply with all other applicable state and local license requirements.

(b) A brewpub license authorizes the holder of such license to:

(1) Manufacture on the licensed premises not more than 5,000 barrels of beer in a calendar year solely for retail on the premises and solely in draft form in an open container;

(2) Operate a restaurant that shall be the sole retail outlet for such beer. Such outlet may offer for sale any other alcoholic beverages produced by other manufacturers which are separately authorized for consumption on the premises by this chapter, including wine, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers for consumption on the premises only; and

(3) Notwithstanding any other provision of this section, sell up to a maximum of 500 barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers.

(c) Possession of a brewpub license shall not prevent the holder of such license from obtaining another license authorized under section 4-61 (license permitting the sale of alcoholic beverages for consumption on the premises) for the same premises.

(d) A brewpub license does not authorize the holder of such license to sell alcoholic beverages at retail by package for consumption off the premises.

(e) A brewpub licensee shall not offer or permit any free sampling of beer by its customers on the premises.

(f) A brewpub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed as manufacturers, retailers, and, where applicable, wholesalers.

(g) A brewpub licensee shall measure all beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required.

(h) Except as set forth above in this section, a brewpub license holder shall be subject to all provisions of this chapter.

(i) A brewpub license shall be a restaurant in which beer or malt beverages are manufactured.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-85. Wine tasting room licenses.

(a) A wine tasting room for purposes of this chapter shall be limited to entities possessing:

(1) Restaurants possessing a license for consumption on the premises shall be eligible for a wine tasting room permit.

(2) The applicant's proposed measures to designate the wine tasting area along with proposed staffing and oversight shall be submitted to and approved by the city police department.

(3) A wine tasting room license is intended to allow such activity on a limited basis and shall not be part of the core operations of such establishment or occur on a daily basis. A wine tasting room license shall be subjected to all other laws, rules and regulations of the city and state, including Rule 560-2-5-05 of the Department of Revenue, Alcohol and Tobacco Division, and is subject to license revocation for violation thereof. Samples cannot leave premises. Sunday sales permitted, with proper licensing, between the hours of 12:30 p.m. and 11:30 p.m.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014; Ord. No. 2026-01, 6-15-2026)

Sec. 4-86. Performing arts facility.

(a) No person shall be permitted to sell alcoholic beverages at a performing arts facility without first obtaining performing arts facility alcohol license from the city clerk or designee pursuant to the same procedures as are set forth in Article I of this chapter and each performing arts facility alcohol license holder shall comply with all other applicable state and local license requirements.

(b) Alcoholic beverages may be sold at a performing arts facility only where the facility has obtained a special use permit to allow for the presentation of mainline dramatic arts, plays, and theatre productions within the commercial zoning classification.

(c) A performing arts facility which is licensed to serve alcohol shall only dispense alcoholic beverages at a bar located in the lobby area of the facility or by a waiter or waitress serving patrons within the facility on days where a performance will take place in the facility.

(d) In addition to the hours of sale requirements set out in section 4-97, a performing arts facility which is licensed to serve alcohol shall not dispense alcoholic beverages earlier than 5:30 p.m. or later than 10:30 p.m. on Monday through Friday. Alcohol may be sold Saturdays and Sundays between the hours of 12:30 p.m. and 11:30 p.m. In no event shall a performing arts facility dispense alcoholic beverages earlier than one hour before the start of performance or after the performance has ended.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014)

Sec. 4-87. Special events facility.

The city clerk or designee may issue a special events facility license for consumption on the premises with meals. The license shall mean any public place kept, used, maintained, advertised and held out to the public as a place where special events including, but not limited to, wedding receptions, private parties and similar events are held, and which provides meals or food services in connection with such events. Any such facility shall be equipped with an adequate sanitary kitchen or catering kitchen with dining facilities for serving meals and other food products associated with its special events on site. Any such facility open to the public for the service of at least one meal per day for three or more days per week shall be considered a restaurant.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-88. Outdoor golf course sales.

Outdoor golf course sales are permitted for retail consumption licensees operating such golf course provided such sales are made on or immediately adjacent to the golf course itself from a mobile or satellite location between the first and final hole on the course.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-89. Licensed caterers.

(a) Notwithstanding any other provision of this chapter to the contrary, a caterer shall be permitted to sell alcoholic beverages for consumption on the premises of a duly authorized catered event, if the caterer is a retailer dealer licensed pursuant to state law and has obtained the following licenses and permits:

(1) A license permitting the sale of alcoholic beverages for consumption on the premises in addition to an alcoholic beverage catering license issued by the city or another licensing jurisdiction; and

(2) An off-premises permit for the specific event being catered.

(b) All licensed alcoholic beverage caterers desiring to engage in activities permitted by this section shall make written application to the city clerk or designee for the appropriate off-premises permit. The application shall include, but not to be limited to, the name, address and telephone number of the applicant, the date, address and time of the proposed catered event and the licensed alcoholic beverage caterer's state license number. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths. If an applicant has had their license to sell alcohol beverages by the drink for consumption on the premises issued by another jurisdiction, the application shall be accompanied by an off-premises permit fee of $50.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded. If an applicant has had their license to sell alcoholic beverage by the drink for consumption on the premises issued by the city, such off-premises permit fee is waived. However, such permit must still be obtained.

(c) The city clerk or designee shall have authority to prescribe forms for applications. Failure to furnish any requested data shall automatically serve to dismiss the application with prejudice.

(d) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for an off-premises permit shall be cause for the denial or revocation thereof.

(e) If such off-premises permit is granted by the city clerk or designee, it shall be good only for the specific event at the specified address and time set forth in the application, not in excess of five days.

(f) Except as set forth above in this section, an off-premises permit holder must comply with all other provisions set forth in this chapter.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014)

Sec. 4-90. Partially consumed bottle of wine from a restaurant.

A licensee, if licensed to sell alcoholic beverages for consumption on the premises, may permit a patron to remove one unsealed bottle of wine from a restaurant if the patron purchased the bottle of wine and a meal and consumed a portion of wine on the premises. The licensee and patron must comply with the provisions of O.C.G.A. §§ 3-6-4 and 40-6-253(2) as they may be amended from time to time.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-91. Consumption sales by the drink only.

Persons holding a license to sell alcoholic beverages for consumption on the premises shall not sell alcoholic beverages by the package.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-92. Pitchers.

No licensee shall sell, offer to sell, or deliver alcoholic beverages, including malt beverages, in any container holding more than 64 fluid ounces (1.89 liters). Containers holding more than 32 fluid ounces (0.947 liters) may be sold, offered for sale, or delivered only to two or more persons at one time.
(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-93. Sales restricted to premises only.

No retail consumption dealer shall sell or deliver any alcoholic beverages to any person except in said licensee's place of business, except as provided for in licensed caterers and outdoor golf course sales.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-94. Patio sales/outside temporary events.

(a) The city clerk or designee may issue a patio sales license to restaurant establishments licensed to sell alcoholic beverages for consumption on the premises.

(b) In order to be eligible for a patio sales license, such patios or open areas shall be enclosed by some structure the height of which shall be a minimum of four feet above ground level. Such structure may be constructed of material which permits visibility into and out of the patio or open area. Such structure must comply with all applicable city codes, including, but not limited to, building and fire codes, and shall function to prevent patrons from leaving the patio or open area with an alcoholic beverage without the knowledge of the licensee.

(c) The licensee shall require patrons to enter and exit licensed patio or open areas through the licensed establishment's main premises. Licensed patio or open areas shall have an approved fire exit for emergency use only, equipped with an audible alarm triggered by unauthorized use of such fire exit.

(d) Establishments duly licensed by the city clerk or designee to sell alcoholic beverages for consumption on the premises must submit an application to the city clerk or designee to engage in outside special events. The applicant must meet the following requirements:

(1) The licensed establishment must have an existing license of the sale of alcoholic beverages for consumption on the premises. The only entrance and exit to the event must be through a controlled entry point which allows for easy monitoring of patrons entering and leaving the event.

(2) The entire outside event must be enclosed by a temporary chain link fence. The fence shall be a minimum of four feet in height.

(3) The temporary fence must have an entrance and emergency exit with a uniformed off duty police officer stationed at the entrance and emergency exit.

(4) The temporary fence must be installed and inspected at least one day prior to the event. Alcohol beverage sales will not be approved for the event without inspection and approval of the temporary fence by the building inspector.

(5) A site plan must be submitted to the city clerk's or designee's office as well as the county fire marshal's office for approval. If the site plan provides for an area to accommodate more than 25 persons, a crowd control and security plan must be submitted to the city police department for approval. The fire department must approve any temporary structures, such as tents, within the fenced area.

(6) A signed and notarized letter from the property owner must be submitted to the city clerk's office or designee's office authorizing the use of the property for the event.

(7) All outside points of sale of alcoholic beverages must be licensed and the required fees paid. The outside event shall not exceed two days.

(8) All outside events for an individual licensed establishment will be restricted to two events per year.

(9) A non-refundable fee of $50.00 per event must be paid at the time of filing of the application.

(10) Completed application must be submitted to the city clerk's office 45 days prior to the scheduled event.

Nothing in this subsection shall be construed to waive or repeal any other requirements ordained under this Code.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-95. Solicitation prohibited.

No retail consumption dealer licensed to sell alcoholic beverages under this chapter shall permit any employee or other person to solicit patrons on the licensed premises to purchase any alcoholic or nonalcoholic drink, or to provide money for the purchase of a drink, for anyone other than the patron or the patron's guest. No licensee shall pay any commission or other compensation to any person for soliciting such purchases.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-96. "Happy hour" promotions and sales.

(a) A restaurant holding a valid license to sell alcoholic beverages for on-premises consumption may offer happy hour promotions, provided that the promotion does not exceed three consecutive hours.

(b) Any happy hour promotion shall be publicly advertised by the licensee no fewer than seven (7) days prior to the promotion. Such advertisement shall include the date, time, and description of the promotion.

(c) Happy hour promotions may include temporarily reduced prices on alcoholic beverages sold for on-premises consumption; provided, however, that all promotions shall comply with applicable state law.

(d) No happy hour promotion shall sponsor, encourage, or otherwise allow excessive consumption, drinking contests, or the sale of unlimited alcoholic beverages for a fixed price.

(e) The mayor and council may suspend or revoke happy hour privileges for violations of this section or other applicable alcohol regulations.

(f) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:

(1) Offer or deliver any free alcoholic beverage to any person or group of persons;

(2) Deliver more than one alcoholic beverage to one person at one time;

(34) Sell, offer to sell, or deliver to any person an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public;

(45) No licensee shall sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any day at prices lower than those charged to the general public on that day, except at private functions not open to the public or during a happy hour promotion authorized by this chapter;

(56) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week;

(67) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding alcoholic beverages as a prize; or

(78) Require or allow the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the previous alcoholic beverage has been consumed or otherwise discarded.

(g) Each licensee shall maintain a schedule of the prices charged for all alcoholic beverages to be served and consumed on the licensed premises or in a room or part thereof including outdoor or patio sales where permitted. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public and said schedule shall be effective for not less than one calendar week.

(h) No licensee shall advertise or promote in any way, whether within or without the licensed premises, or any of the practices prohibited under subsection (a).

(i) Nothing in this section shall be construed to prohibit retail consumption dealers from offering free food or entertainment at any time, or to prohibit the retail consumption dealer from including an alcoholic beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe, or pitchers or buckets of beer.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-97. Hours of sale.

(a) Alcoholic beverages may be sold only during the days and hours permitted by state law and as otherwise provided by this chapter.

~~(b) Christmas Day sales are prohibited.~~

(bc) No retail consumption dealer shall furnish, sell or offer for sale through outdoor golf course sales of any alcoholic beverage at any time except during the following hours: 9:00 a.m. through 9:00 p.m. Monday through Saturday. Further, no retail consumption dealer shall furnish, sell or offer for sale through outdoor golf course sales any alcoholic beverage on Sunday.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014 Ord. No. 2019-03, 4-1-2019; Ord. No. 2026-01, 6-15-2026)

Sec. 4-98. Sale of alcoholic beverages on election day; distance from polling place.

(a) The sale of alcoholic beverages shall be legal on any election day. This authorization is approved by the city pursuant to the provisions of Georgia Laws 1985, page 1508.

(b) Notwithstanding any other provisions of this chapter, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

(Ord. No. 2011-18, 11-14-2011)

Secs. 4-99—4-120. Reserved.

ARTICLE IV. PACKAGE

Sec. 4-121. Issuance of package licenses limited to designated areas.

No license permitting the retail package sale of malt beverages, wine, or both, or distilled spirits or spirituous liquors shall be granted to any applicant hereunder unless the proposed premises is located in an area of the city which is zoned for commercial use and is adjacent to and includes access to a state route or a city street, provided that the city street is no less than three lanes including a center turn lane with the width, back of curb to back of curb, being no less than 37 feet. Regardless of zoning and street specifications, there shall be no issuance of a license for retail package sale of distilled spirits or spirituous liquors from a business located within the area indicated in red on the map attached to Ordinance No. 2028-08 as Exhibit A. The defined area on Exhibit A can only be changed by an amendment of the ordinance from which this chapter was derived.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2028-08, § 1, 4-10-2023)

Sec. 4-122. Distance from schools, churches, residences, etc.

(a) No license permitting the retail package sale of malt beverages or wine or either distilled spirits or spirituous liquors shall be issued for any proposed location for which:

(1) The regulated business building is within a distance of 50 feet of any residential building. If the regulated business building is between 50 feet and 200 feet from a residential building a permanent six-foot privacy fence shall be erected and extend the full length of the business property line. The face or finished side of the privacy fence shall face the residential property and shall be maintained by the licensee. The fence shall be inspected and approved by the building inspector;

(2) The regulated business building is within a distance of 300 feet of any church building;

(3) The regulated business building is within a distance of 300 feet of any public library building, library branch building, or alcohol treatment facility building;

(4) The regulated business property is within a distance of 300 feet of a public park property owned or maintained by the City of Cleveland; or

(5) The regulated business property is within a distance of 600 feet of any school property, college campus property, licensed after school program or nonresidential daycare facility or housing authority property.

(b) No license permitting the retail package sale of distilled spirits or spirituous liquors shall be issued for any proposed location for which the regulated business building is within a distance of 500 yards of a building in or from which operates any other business licensed for the retail package sale of distilled spirits or spirituous liquors unless other such business is a hotel/motel.

(c) Said distances for the purpose of this section shall be measured as defined in section 4-4 (distance). The term property shall mean property line to property line and the term building shall mean building wall to building wall. Any location licensed hereunder may continue to operate any of the businesses described in this section in the event that a school property, college campus property, public park property, housing authority property, church building, or alcohol treatment facility building located closer to the licensed location than

the distances set forth herein provided that the use of the property for such purpose begins subsequent to the date of the granting of such license hereunder.

(d) The alcoholic beverage review board may grant reductions of the distance requirements set forth in subsection (a) above upon request of the applicant if the alcoholic beverage review board determines that the reduction of the distance requirements will not have an adverse effect on the surrounding community or the properties provided protection by the distance requirements and that sufficient buffering or separation of the properties exists under the reduced distance requirements. No reduction of the distance requirements may be for an amount greater than 50 percent of the original required distance or to a distance less than the distance required by the general laws of the state. In its consideration of the requested distance reduction, the alcoholic beverage review board may consider whether the applicant has obtained the consent of properties provided protection by the distance requirements, but such content shall not be required to grant the reduction.

(e) No premises shall be licensed for the sale of alcoholic beverages in the city without complying with the distance requirements as set forth in O.C.G.A. § 3-3-21, as may be amended from time to time by the state legislature or any other similar general state law, which laws and restrictions are incorporated herein by reference.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2028-08, § 1, 4-10-2023; Ord. No. 2026-01, 6-15-2026)

Sec. 4-123. Hours of sale.

Retail dealers in package malt beverages, package wine, package distilled spirits or package spirituous liquors shall not engage in the sale of malt beverages, wine, distilled spirits, or spirituous liquors except between the hours of 7:00 a.m. and 11:55 p.m. Monday through Saturday and Sunday 12:30 p.m. through 11:30 p.m. No malt beverage, wine, distilled spirits, or spirituous liquors shall be sold on Christmas.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014; Ord. No. 2028-08, § 1, 4-10-2023)

Sec. 4-124. Handling not to include bagging and carrying out.

For the purposes of this chapter, the bagging or carrying out of wine or malt beverages in the original package in the course of employment by a grocery store, convenience store, or similar establishment shall not constitute the handling of alcoholic beverages.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-125. Security cameras required.

Each business licensed by the city to sale alcohol by the package shall install and maintain security cameras in the outlet of a type and number approved by the chief of police. Such cameras:

(1) Shall be placed in the business to record activities in the checkout or cash register area(s).

(2) Shall be capable of producing a retrievable image on film, tape, or any readable medium that can be made a permanent record and enlarged through a projector or other means.

Such cameras shall be maintained in proper working order at all times. If a robbery or other violation occurs in such outlet, the film, disk or tape recording of such event shall immediately be made available to the chief of police or his designee.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-126. Specialty gift shop licenses.

(a) Notwithstanding any other provision of this chapter to the contrary, limited exceptions from this chapter shall exist for the owners of specialty gift shops provided that the owner obtains a specialty gift shop alcoholic beverage license as hereinafter provided; and the only sale of alcoholic beverages by the owner is through the sale of gift items as specified and not for consumption on the premises. These exceptions are as follows:

(1) In lieu of section 4-16(h) (application fee), subsection (b) of this section shall apply to applications for specialty gift shop licenses;

(2) Section 4-122 (distance from schools, churches, residences, etc.), subsections (a)(1) (private residences), (a)(2) (churches), (a)(3) (public libraries), (a)(4) (public parks), and (a)(5) (another licensee) shall not apply for specialty gift shops.

(b) Each application for a specialty gift shop license under this chapter shall be accomplished by a certified check or cash for the full amount of the license fee in accordance with the scale fixed by the city council, together with a separate certified check or cash payable to the city and shall be paid over to the clerk of the city or designee who shall note the payment of such application fee upon the original application for such license. The application fee provided for herein is to be used to defray the investigative and administrative costs and expenses of investigating and considering the application. If the application is denied and the license refused or if the applicant withdraws his application after submission to the city clerk or designee, the application fee provided herein shall not be refundable, however, the license fee (without interest) shall be refunded.

(c) Notwithstanding any other provisions of this chapter, an employee who sells any gift item containing alcohol must be at least 18 years of age.

(d) Except as set forth above in this section, a specialty gift shop alcohol licensee must comply with all other provisions set forth in this chapter.

(e) Sales of packaged distilled spirits is prohibited.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014)

Sec. 4-127. Consumption prohibited.

It shall be unlawful for any person to consume any alcoholic beverage on premises licensed for the sale of package alcoholic beverages. For the purpose of this section, "premises" shall include the parking area immediately adjoining the premises licensed for the sale of package alcoholic beverage and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the licensed holder. It shall be unlawful for any licensee to permit the consumption of alcoholic beverages on said premises or to sell unsealed (broken) alcoholic beverage containers.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-128. Distilled spirits or spirituous liquors packaged sales permitted only as provided herein.

The retail sale of packaged distilled spirits or spirituous liquors for consumption off the premises shall be permitted only on the specific terms and conditions set forth herein.

(Ord. No. 2014-17, 12-8-2014; Ord. No. 2028-08, § 1, 4-10-2023)

Sec. 4-129. License issuance for distilled spirits package sales—Retail dealer building and inventory requirements.

(a) General regulatory and licensing procedures of distilled spirits package sales shall conform to Chapter 4, Alcoholic Beverages, of this Code and any other chapters or sections of this Code as may be applicable, such as enforcement provisions, as well as all laws of the state having general application to the sale of distilled spirits package sales.

(b) No retail dealer license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted is not "free standing" (i.e., is part of a larger building or structure), except that such business may occupy leased space within a shopping center, provided that the distilled spirits display area or showroom meets or exceeds the minimum square footage requirement set forth in this section. A retail dealer's building where the business will be conducted must contain a distilled spirits display area or showroom of at least 1,500 square feet in size with an additional storage area of at least 500 square feet. For distilled spirits retail dealers desiring to sell malt beverages and wine in addition to distilled spirits, at least an additional 500 square feet of showroom, and at least an additional 500 square feet of storage area is required over and above the minimum square feet for the establishment set forth above. For the purposes of this section, cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms and bathrooms shall not count towards the minimum square footage requirements.

No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are located under the planning and zoning ordinance of the city in a commercial zoning district subject to the specific limitations of the respective district and located within the approved area as established by resolution of the city council that allows sale of distilled spirits by the package within such areas, provided all other laws, rules and ordinances are followed. The initial area where the sale of distilled spirits by the package shall be prohibited (in addition to the residential areas of the city) is shown in red on the map attached to Ordinance No. 2028-08 as Exhibit A. The city council, in its discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application, or the proposed location of the business, and if in its judgment, circumstances are such that granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application. Such circumstances may include, but are not limited to effect on property, whether there is difficulty in police supervision, whether adequate parking exists, the number of existing licenses, etc.

(c) No person, group, or entity with similar members, including family members, shall have an interest in more than one license for the package sale of distilled spirits or any other package sale of alcoholic beverages issued by the city.

(d) It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed for the sale of distilled spirits by the package.

(e) It shall be unlawful for any person to sell or offer for sale distilled spirits by the package within the city by means of drive-through sale. For purposes of the section, the term "drive-through sale" means the sale of distilled spirits by the package by any means that allows the customer to remain in their motor vehicles.

(f) License holders hereunder shall not allow any minors to enter or loiter on or about the licensed premises unless such minors are accompanied by a parent, guardian, or custodian.

(g) The provisions of section 36-27, Loitering, shall apply to all premises licensed hereunder and each licensee shall post a "No Loitering" sign conspicuously to inform the public that loitering, as defined by section 36-27 of this Code, is not permitted on the premises and that any violators are subject to prosecution.

(h) The license fee for a retail sales of distilled spirits package license shall be $5,000.00 annually.

(i) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of $0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter. Said tax may be revised from time to time by resolution properly adopted by the mayor and city council.

(Ord. No. 2028-08, § 1, 4-10-2023)

Sec. 4-130. Maximum number of distilled spirits retail licenses permitted.

(a) Subject to subsections (b)—(e) below, the city will not accept any applications for the retail sale of distilled spirits by the package, and no licenses for the retail sale of distilled spirits by the package shall be issued over the number of three.

(b) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below three, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to three.

(c) The provisions of subsection (b) notwithstanding, one additional license may be issued for each 2,000 person increase in population over 2,000 (for example, if and when the population of the City of Cleveland reaches 4,000 the mayor and city council may, but shall not be required to, allow one additional license for the sale of distilled spirits by package). In determining population, the city shall utilize the most recent population figures published by the Georgia Mountain Regional Commission. In the absence of such figures, the city shall utilize the U.S. Census of 2020 or any future decennial census.

(d) If the total number of permitted licenses has increased pursuant to subsection (c) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.

(e) If the city receives more applications than allotted licenses to be issued under this section which applications comply with the standards for the issuance of licenses for the sale of package distilled spirits set forth in this chapter, then the selection of the successful application(s) shall be conducted by a lottery system overseen by an independent third party firm. The lottery shall consist of assigning a number to each application and the numbers shall be placed in a rotating container which will allow for the mixing of the numbers without human manipulation, and all numbers shall be drawn and noted in the order in which they are drawn. The first, second and third numbers drawn, if three licenses are to be granted, shall be granted the first three licenses and the other numbers shall be maintained in order in the event one or more of the first three applicants fail to complete the licensing process to provide a hierarchy for issuance of licenses thereafter. Approved licensees shall have no more than 30 days to fully comply with all licensing requirements and if they fail to do so the city will license the next potential licensee based on the lottery drawing. The applications drawn from the lottery system shall then be presented to the city council for action on the approval of the licenses to be issued under this chapter.

(Ord. No. 2028-08, § 1, 4-10-2023; Ord. No. 2026-01, 6-15-2026)

Sec. 4-131. Products other than distilled spirits for sale, display, or offer.

No retailer of distilled spirits shall sell, offer for sale, display, or keep in stock for sale or furnish at its licensed premises where distilled spirits are offered for sale, any other products or services except the following:

(a) Wines, if the retailer holds a valid and current license to sell wine at that place of business;

(b) Malt beverages, if the retailer holds a valid and current license to sell malt beverages at that place of business;

(c) Cigarettes, cigars, chewing tobacco, alternative nicotine products, or vapor products, snuff, if properly licensed to do so, cigarette papers, lighters and matches, chewing gum, breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption;

(d) Beverages containing no alcohol and which are commonly used to dilute distilled spirits;

(e) Packaged ice, ice chests, and "koozies" (individual can and bottle coolers);

(1) The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is also in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, entitled "Food from Approved Source," and the packaging complies with Georgia Department of Agriculture Rule 40-7-1-.26, entitled "Labeling."

(f) Paper, Styrofoam, or plastic cups and gift bags, which are limited in size to accommodate one 750 ml size bottle of wine or distilled spirits and contain only products approved for sale or display by this regulation;

(g) Bar supplies, limited to:

(1) Corkscrews, openers, straws, swizzle stirrers, bar-related containers, and wares made of glass, plastic, metal or ceramic materials.

(2) Cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for the preparation of alcoholic beverage drinks.

(3) Alcoholic beverage drink recipe booklets, bar guides, and consumer-oriented alcoholic beverage publications.

(h) Products co-packaged with alcoholic beverages, provided that the products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of alcoholic beverage product;

(i) Check cashing services arising out of the sale of any product lawfully sold under the ordinance from which this section is derived;

(j) Automated teller machine service for customer use; and

(k) Gift certificates for use only at the issuing licensed retailer.

(Ord. No. 2028-08, § 1, 4-10-2023)

Sec. 4-132. Applicability of article to those businesses operating both the package sale of distilled spirits and package malt beverages and wine for consumption off premises.

For licensees who wish to operate a business which conducts both the package sale of distilled spirits and package sale of malt beverages and wine, in the case of any conflict, the provisions of this article regulating the package sale of distilled spirits for consumption off premises shall prevail, and compliance with these provisions, rather than those provisions applicable to the license permitting the package sale of malt beverages and wine, is required. The applicant shall be required to meet all licensee qualifications and requirements under both this article and the article governing the licensing and sales of package malt beverages and wine.

(Ord. No. 2028-08, § 1, 4-10-2023)

Secs. 4-133—4-150. Reserved.

ARTICLE V. WHOLESALE

Sec. 4-151. Requirements of wholesalers generally.

All wholesale dealers or distributors shall be licensed by the state revenue department and shall comply with all laws and regulations of the state revenue department before they sell or deliver any alcoholic beverages in the city. Deliveries and sales shall be made only to retailers licensed under the provisions of this chapter and all deliveries shall be made in conveyances owned and operated by wholesale dealers or distributors.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-152. Wholesale licensees prohibited from interest in other licenses.

No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold or have an interest in a license issued permitting the sale of alcoholic beverages for consumption on the premises issued under the terms of this and other city alcoholic beverage ordinances.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-153. Other licenses.

The licenses and taxes provided for in this chapter are not levied in lieu of any other license fees or taxes that may be levied upon licensees, but are in addition thereto.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-154. Wholesalers sales within the city limits.

Wholesale dealers or distributors shall not sell nor make deliveries of alcoholic beverages, malt beverages or wine within the city to retailers except those licensed by the city and the state revenue department.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-155. Issuance of licenses limited to designated area—Wholesales.

(a) No license permitting the wholesale distribution of alcohol shall be granted to any applicant proposing to locate within the city unless the premise is located in an area of the city, which is zoned for commercial, with the exception of city streets with the following specifications:

  (1) In no case shall the city street be less than three lanes including a center turn lane with width, back of curb to back of curb being no less than 37 feet.

  (2) Within the inside square area as drawn on Attachment I (map).

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-156. Distances for wholesale sales.

(a) No license permitting the wholesale sale of malt beverages or wine or both shall be issued for any proposed location located within the city which is within a distance of 300 feet of any school property, city parks property, or college campus property, housing authority property, churches building, library building, or alcohol treatment facility building.

(b) No license permitting the wholesale distribution of spirituous liquors shall be issued for any proposed location to be located within the city.

(c) No license shall be issued if the regulated business building is 200 feet or less from a residential building.

(d) Said distance for the purpose of this section shall be measured as defined in section 4-4, definitions. Any location licensed to operate any of the businesses described in this section, where a different method of ascertaining distances was used, may continue to operate such business at its present location without committing a violation of this section. Any location licensed under this chapter may continue to operate any of the businesses described in this section in the event that any such private residence, public school, library, park or church is, subsequent to the date of the granting of the license for such premises, located closer than the distances set forth herein.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-157. Annual renewals.

All licensees holding licenses permitting the wholesale distribution of alcohol shall be required to file their application to renew their licenses by January 1 of each year on forms prescribed by the city clerk or designee.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-158. Regulations governing retail storage.

All licensed retailers shall store all alcoholic beverages on the premises for which the license was issued and at no other place. No wholesaler shall store for any retail dealer those alcoholic beverages which have been ordered or purchased.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-159. Minimum legal container.

No wholesale dealer may sell to a holder of a license for sale of alcohol for consumption on the premises spirituous liquors in containers smaller than 750 milliliters.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-160. Consumption prohibited.

It shall be unlawful for any person to consume any alcoholic beverage on premises located within the city licensed for the wholesale or retail sale of alcoholic beverages. For the purpose of this section, "premises" shall include the parking area immediately adjoining the premises licensed for the sale of package alcohol and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the

licensed holder. It shall be unlawful for any licensee to permit the consumption of alcoholic beverages on said premises or to sell unsealed (broken) alcoholic beverages.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-161. Hours of sale.

The hours during which the sale of alcoholic beverages may be conducted in the city by any wholesale dealer licensed hereunder shall be from sunup to sundown, excluding Sundays.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Secs. 4-162—4-180. Reserved.

ARTICLE VI. LICENSE FEES[2]

Sec. 4-181. Classification of licenses; fees.

All licenses authorized under this chapter, including the types of licenses, restrictions on issuance, application requirements, and applicable fees, shall be established and may be amended from time to time by the Mayor and City Council through a duly adopted Master Ffee Scschedule maintained separately from this Code. Each license issued pursuant to this chapter shall constitute a separate and distinct license and shall require payment of the applicable fee set forth in the adopted fee schedule.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014; Ord. No. 2028-08, § 1, 4-10-2023; Ord. No. 2026-01, 6-15-2026)

Sec. 4-182. Annual fees.

(a) Alcoholic beverage licenses are valid from January 1 through December 31 of the following year. Each licensee holding a license listed in section 4-181 permitting the sale of alcoholic beverages shall pay the fee listed in the above section, as may be amended, annually.

(b) All annual license fees herein shall be paid in advance, on or before January 1 of each year and any new license granted hereunder during a calendar year shall pay the full license fee without proration; provided, however, that if a license is granted after July 1, the license fee shall be 1/2 of the annual license for such calendar year.

(c) Any person licensed hereunder shall be required to submit a complete application to renew his/her license on the forms prescribed by the city clerk or designee on or before November 30 of each year. For those applicants who fail to submit a complete application and license fee before November 30, but do so on or before December 31, a penalty of ten percent of the license fee shall be imposed for said failure in addition to any other penalties that may be authorized. Further, those renewal applicants who fail to submit a

[2]Charter reference(s)—Sale of liquor, App. A, Art. II.

Cross reference(s)—Fees, fines and other charges, ch. 24 et seq.

complete application and license fee prior to the December 31 deadline may not receive the new license prior to the expiration of the old license. A minimum of 14 days shall be required for review prior to issuance of a renewed license. Unlicensed sales of alcohol are prohibited.

(d) Any license holder who fails to submit a complete application for a license renewal prior to December 31 of each year shall be required to undergo the application process as a new license applicant. Unlicensed sales of alcohol are prohibited.

(e) Those applicants applying for a special event license shall submit the application and license fee 45 days in advance of the date of the special event.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2021-06, 4-12-2021; Ord. No. 2026-01, 6-15-2026)

Sec. 4-183. Lounges and bars.

Lounge means a room in which people may relax or wait, or a room where cocktails and other drinks are served. Alcoholic beverages shall not be served or consumed in a lounge. Bars are prohibited.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-184. Drive-in window or curb service.

(a) It shall be unlawful to sell and dispense alcoholic beverages from a "drive-in service" window, or vending machine.

(b) Curbside pick-up service or other sales of alcoholic beverages outside the building licensed to sell is permitted as follows: by section 4-89 (licensed caterers), section 4-88 (outdoor golf course sales), and section 4-94 (patio sales), and as allowed in (c) in this section of code. All other curb service sales of alcoholic beverages outside of the building licensed to sell is expressly prohibited.

(c) A retail package dealer of alcoholic beverages is permitted to load purchased goods in a customer's vehicle as part of an online curbside pick-up service when in compliance with the following:

(1) Retailers shall require all customers to register with the retailer before permitting the customers to order alcoholic beverages for online curbside pickup.

(2) Online curbside sales for alcoholic beverages shall follow all requirements for hours of sale as permitted in this chapter of city code.

(3) Purchase goods must be delivered to the customer's vehicle and the vehicle must be located within a clearly designated pick-up area located within a paved parking area adjacent to the place of business. If the place of business is located in a shopping center or other single property owned or leased by more than one business, at the discretion of the Georgia Department of Revenue, the pick-up area may be located within a paved parking area that is a part of or adjacent to such shopping center or single property, as long as the pick-up area is owned or leased by the retailer or retailer's landlord and is under the supervision and control of the retailer.

(4) The retailer shall install and maintain one or more security camera(s) viewing the designated pick-up area location to record activities in the check out and identification check of customers.

(5) Alcoholic beverages sold as part of online curbside pick-up services must be pulled from the inventory located at the licensed location of the retail package dealer providing the online curbside pick-up services and may not be pulled from the inventory of another retailer or licensed location.

(6) A retailer may not knowingly transfer alcoholic beverages as a part of an online curbside pick-up service to an individual or business providing delivery for hire services.

(7) Any employee delivering alcoholic beverages to a vehicle for online curbside pick-up must confirm the identity of the individual receiving the alcoholic beverages and confirm that individual is at least 21 years of age.

(8) For online retail sales of alcoholic beverages for online curbside pick-up, a retailer must have and provide a copy of a company policy or established protocol detailing company requirements and procedures for the handling and delivering of purchased alcoholic goods, including identification, to a customer's vehicle at the designated pick-up area location.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2022-05, 3-21-2022)

Sec. 4-185. Alcoholic beverages in public places.

(a) It shall be unlawful for any person to consume any alcoholic beverage while in or upon public streets, alleys, sidewalks, parking lots, or other public ways or property.

(b) No person shall be in possession of any glass, can or open container containing alcoholic beverages on any thoroughfare, street, sidewalk, alley, parking lot or any other public way or property.

(c) No person, firm or corporation licensed to sell alcoholic beverages shall permit any person to remove from such premises, any alcoholic beverage in any open container.

(d) No person shall have in his or her possession an open container containing alcoholic beverages while within or on a motor vehicle, including motorcycles, while parked or standing on a public street or public parking lot in the city, or while such vehicle is in motion.

(e) This section does not apply to, nor shall it affect the lawful sale of alcoholic beverages for consumption by licensees operating under a valid license issued under the terms of the city alcoholic beverage consumption ordinance.

(f) This section shall not apply to, nor shall it affect the sale or possession of a partially consumed bottle of wine purchased with a meal from a restaurant and resealed as permitted by O.C.G.A. §§ 3-6-4 and 40-6-253(2).

(g) Alcoholic beverages are prohibited for sale or consumption at city parks owned or maintained by the City of Cleveland.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-186. Bring your own bottle "brown bagging" prohibited.

(a) It shall be unlawful for any person to bring his or her own alcoholic beverage (brown bag) into any establishment which is subject to any of the occupational tax provisions of the city or elsewhere, or specifically exempted from occupational taxes as provided for in the city occupational tax ordinance, whether or not such establishment is licensed or unlicensed to serve alcoholic beverages.

(b) It shall be unlawful for any corporation, partnership, individual or other entity who maintains a business which is subject to any of the occupational tax provisions of the city, or elsewhere, or specifically exempted from occupational taxes as provided for in the city occupational tax ordinance, to permit, allow or suffer the consumption or possession of alcoholic beverages within any such premises. This subsection shall not apply to, nor shall it affect the lawful sale of alcoholic beverages for consumption by licensees operating under a valid license issued under the terms of this or other ordinances providing for consumption of alcoholic beverages on the premises.

(Ord. No. 2011-18, 11-14-2011)

Cross reference(s)—Occupation taxes, ch. 12, art. II et seq.

Sec. 4-187. Adult entertainment prohibited.

(a) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the boundaries of the city, at which alcoholic beverages are offered for sale:

(1) To suffer or permit any person 18 years of age or older, while on the premises of said commercial establishment, to expose to the public view that area of the human female breast at or below the top of the areola thereof.

(2) To suffer or permit any person 18 years of age or older, while on the premises of said commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of human female breasts.

(3) To suffer or permit any person 18 years of age or older, while on the premises of said commercial establishment, to expose to public view his or her genitals, pubic area, anus, or anal cleft.

(4) To suffer or permit any person 18 years of age or older, while on the premises of said commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, anus, or anal cleft.

(5) To suffer or permit any person 18 years of age or older, while on the premises of said commercial establishment, to: (i) perform acts or acts which simulate sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation; (ii) touch, caress, or fondle the breasts, anus or genitals; or (iii) display pubic hair, the anus or vulva.

(b) It shall be unlawful for any person 18 years of age or older, while on the premises of a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, to expose to public view that area of the human female breasts at or below the top of the areola thereof, or to employ any device or covering which is intended to give the appearance or simulate such areas of the female breasts as described herein.

(c) It shall be unlawful for any person 18 years of age or older, while on the premises of a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, anus, or anal cleft, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, anus or anal cleft.

(d) It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the boundaries of the city at which alcoholic beverages are offered for sale for consumption on the premises, to hold, promote or allow any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above prohibited conduct.

(e) Businesses which are licensed for the sale of alcoholic beverages for consumption on the premises by the city are prohibited from permitting totally nude dancing as defined in the city adult entertainment ordinance.

(f) Nothing in this section adopted by the mayor and council of the city shall be construed to apply to the presentation, showing, or performance of any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment as a form of an expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business

enterprise. This chapter specifically applies to establishments licensed by the city to sell or offer for sale alcoholic beverages for consumption on the premises and is intended solely to regulate the conduct of individuals physically present in such establishments.

(Ord. No. 2011-18, 11-14-2011)

Cross reference(s)—Adult entertainment, ch. 6, art. II et seq.

Sec. 4-188. Underage persons on licensed premises.

(a) No licensee shall employ any person under 21 years of age, in or about the premises where alcoholic beverages are sold or offered for sale, to sell, take orders for delivery, or to aid or assist in the sale or delivery, directly or indirectly, of alcoholic beverages unless the said person under 21 years of age is at least 18 years of age and shall be under direct supervision of a person who shall be both employed by said establishment and who shall be over the age of 21 years of age and shall be on site at all times during which the underage employee is working. Such employee shall be trained and supervised periodically with respect to the procedure for requesting proper age identification and declining to sell alcoholic beverages to those under 21 years of age failing to produce proper identification. The employee's supervisor shall periodically monitor and review the employee's request of proper age identification and decision to sell or not sell alcoholic beverages to various customers. This section shall not apply to those employees who clear tableware between customers, also known as "busboys," nor shall it apply to those employees who are cooks or dishwashers.

(b) It is unlawful for any person under the age of 18 years of age to work as an entertainer in any establishment licensed hereunder without a written notarized consent form from parents or guardian.

(c) No licensee shall permit any person to loiter about the licensed premises, and no person shall loiter about the premises licensed to sell alcoholic beverages.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-189. Furnishing of alcoholic beverages to underage persons.

It shall be unlawful for any person to purchase for, attempt to purchase for, or to furnish any alcoholic beverages to any person who has not attained 21 years of age.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-190. Purchase, consumption or possession by or for underage persons.

(a) It shall be unlawful for any person under 21 years of age to purchase, drink or possess any alcoholic beverages within the city unless otherwise authorized by law.

(b) It shall be unlawful for any person to keep or maintain a place where any person under 21 years of age is allowed or permitted to come and purchase, drink or possess an alcoholic beverage.

(c) It shall be unlawful for any parent or other person to buy alcoholic beverages and furnish the same to persons under 21 years of age for consumption unless the parent or guardian gives the alcoholic beverage to the underage person and when possession is in the home or the parent or guardian and such parent or guardian is present.

(d) The prohibitions contained in paragraphs (a), (b), and (c) of this section shall not apply with respect to the sale, purchase, or possession of alcoholic beverages for consumption:

(1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state; or

(2) At a religious ceremony.

(e) The prohibitions contained in paragraphs (a), (b), and (d) of this Code section shall not apply with respect to the possession of alcoholic beverages for consumption by a person under 21 years of age when the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the house of the parent or guardian and such parent or guardian is present.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-191. Misrepresentation of age by person under 21 years of age.

It shall be unlawful for any person under 21 years of age to falsely misrepresent his or her age in any manner whatsoever for the purpose of obtaining illegally any alcoholic beverage.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-192. Sales to underage or intoxicated persons prohibited.

(a) No licensee hereunder shall sell alcoholic beverages to:

(1) Any person under the age of 21 years of age; or

(2) Any person in an intoxicated condition.

(b) The prohibition in subsection (a)(1) above shall not apply with respect to the sale of alcoholic beverages to a person when such person has furnished proper identification showing that the person to whom the alcoholic beverages are being sold is 21 years of age or older. For the purpose of this subsection, "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photography or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate, or any traffic citation and complaint form.

(c) No licensee or employee thereof shall sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon on any day or at any time when the sale or consumption is prohibited by law.

(d) It shall be a violation not to require and properly check identification to ensure an underage person is not sold, served, or has in his or her possession alcoholic beverages while in a licensed establishment. For the purpose of this subsection, "identification" means any document issued by a governmental agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate, or any traffic citation and complaint form.

(e) The penalty for an individual found in violation of this chapter shall be as follows:

(1) *For the first offense in a 36-month period,* a fine of not less than $300.00 nor more than $500.00.

(2) *For the second offense within a 36-month period,* a fine of $1,000.00. In addition, the individual's alcohol handling permit shall be revoked for a period of three months.

(3) *For the third offense within a 36-month period,* a fine of not less than $1,000.00. In addition, the individual's alcohol handling permit shall be revoked permanently.

(f) Any licensee who has an establishment where a violation of this section or O.C.G.A. § 3-3-23 has occurred by employees, managers, or owners of a license shall be punished as follows:

(1) *For the first violation within any 36-month period,* a fine of not less than $500.00 and not greater than $1,000.00. In addition, the alcohol license of the establishment shall be suspended for a period of two weeks and during the period of this suspension, the establishment shall be required to post a sign in a conspicuous location in such size and font that is easily observed announcing to customers that no alcohol sales are available and the period of the suspension.

(2) *For the second violation within any 36-month period,* a fine of not less than $500.00 and not greater than $1,000.00. In addition, the alcohol license of the establishment shall be suspended for a period of not less than 30 nor more than 180 days and during the period of this suspension the establishment shall be required to post a sign in a conspicuous location in such size and font that is easily observed announcing to customers that no alcohol sales are available and the period of the suspension.

(3) *For the third violation within any 36-month period,* a fine of $1,000.00. In addition, the establishment's alcohol license(s) shall be revoked.

(4) *In addition to the above penalties,* the city clerk or designee shall have the discretion to initiate revocation hearings as outlined in this chapter.

(5) *As to the penalties in this subsection (f),* if there is a complete change in the licensed establishment's owners, or a change in partners or stockholders representing 75 percent of the outstanding stock or shares of the firm owning the licensed establishment, the violations under the old ownership shall not count against the new owners.

(g) Any licensed establishment where a violation of this section or O.C.G.A. § 3-3-23 has occurred by employees, managers, or owners shall be required to post signs, to be provided by the city clerk or designee, on the exterior doors of the establishment which contains the following language: "An employee or owner of this store has violated state law and City of Cleveland ordinances by selling alcoholic beverages to a minor" for the period of the suspension imposed in subsection (f).

(h) Any licensed establishment where a second violation of this section or O.C.G.A. § 3-3-23 has occurred by employees, managers, or owners within any 36-month period shall not be used as a vendor by the city for any purchases by the city until such time as there are no violations within the previous 36-month period.

(i) The city clerk or designee may relieve the licensee of any penalties that otherwise may be assessed under subsections (f), (g), or (h) of this section if it can be shown to the city clerk's or designee's satisfaction that such licensee freely and of its own volition reported such specific violations for which it may be charged to the chief of police or city clerk or designee prior to such violation coming to the attention of the authorities. Such a report must have been specific and not speculative or general in nature. Documented evidence of such activities shall include, but shall not be limited to, written evidence that the licensee has promptly reported such violations or attempted violations of this chapter. In addition, the licensee must have fully cooperated with authorities in correcting such violations and participating in the prosecution of any other violators.

(j) The chief of police, in accordance with O.C.G.A. § 3-3-2.1, shall notify the state department of revenue of any violation (violation being defined as a conviction or entry of a plea of guilty or nolo contendere) of this section or O.C.G.A. § 3-3-23 by any licensee.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-193. Gambling on premises prohibited.

There shall be no gambling, betting, games of chance, punch boards, slot machines, or the operation of any scheme for hazarding money or any other thing of value in any place of business licensed to sell alcoholic beverages for consumption on the premises or any room adjoining the same, owned, leased, or controlled by a licensee. Any violation of this section shall be cause for suspension or revocation of a license.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-194. Retailers to purchase from licensed wholesalers only.

No licensed retail consumption dealer shall buy, arrange to buy, accept deliveries or in any way affect the transfer of any alcoholic beverages, malt beverages or wine except from a wholesaler licensed by the state revenue department and the city.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-195. Storage on grounds of retail establishment prohibited.

It shall be unlawful for any person or corporation not holding an alcoholic beverage license granted by the city to store any alcoholic beverages on the grounds of any retail establishment excluding alcoholic beverages for personal consumption in accordance with all applicable provisions of law.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-196. Keeping or storing without appropriate license.

It shall be unlawful for any person operating under a license for the sale of malt beverages or wine or both to store or have therein any spirituous liquors without an appropriate license.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-197. Regulations governing retail storage.

(a) All licensed retailers shall store all alcoholic beverages, malt beverage or wine on the premises for which the license was issued and at no other place. No licensee shall be permitted to enter any type of arrangement whereby alcoholic beverages ordered by licensee are store by licensed wholesaler.

(b) All alcoholic beverages, malt beverage, or wine stock shall be available at all times for inspection by the chief of police of the city, or duly authorized representatives. Any alcoholic beverages, malt beverage or wine found in any retailer's stock that is sold or distributed by a wholesaler who is not licensed in accordance with the laws of the state to make sales and deliveries in the city shall be subject to immediate confiscation and disposal in accordance with applicable law.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-198. Misrepresentation of alcoholic beverages.

It shall be unlawful for licensees or their agents to add to the contents of a bottle or to refill empty bottles or in any manner misrepresent the quantity, quality, or brand names of any alcoholic beverages.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-199. Tax levied, amount, payment; duties of dealers and wholesalers.

(a) *Scope of section.* In addition to all other taxes or license fee heretofore or hereafter imposed upon retail dealers engaged in the city in the business of selling alcoholic beverages, malt beverages and/or wine, there is imposed and levied upon all hereinafter described dealers within the city an excise tax to be computed and collected as hereinafter set forth. The taxes imposed by this section shall not be levied with respect to the following:

(1) Wine sold to and used by established and recognized churches and synagogues for use in sacramental service only;

(2) Any sale of wine which is exempt from taxation by the state or under the Constitution of the United States;

(3) Wine sold to persons outside the state for resale or consumption outside the state; or

(4) Wines or malt beverages which contain less than one-half of one (0.5) percent alcohol by volume.

(b) *Basis for computation of tax.*

(1) The tax levied hereunder shall be computed on the basis of $0.22 per liter for wine sold or delivered as hereinafter set forth. The $0.22 per liter shall be pro-rated down on fractional parts of liters, so that each bottle or each individual size container shall be taxed on the basis of $0.22 per liter. It shall be unlawful and a violation of this chapter for any such licensee to possess, own, hold, store, display, or sell any wine on which such tax has not been paid.

(2) Where malt beverages, commonly known as tap or draft beer, are sold from a barrel or bulk container, the tax levied hereunder shall be computed at the rate of $6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons; where malt beverages are sold in bottles, cans, or other containers except barrel or bulk containers, a tax of $0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces shall be imposed.

(c) *Computations, payment, duties of wholesale dealer and distributor.* The tax imposed shall be computed and payable monthly. Each wholesale dealer or distributor selling, shipping, or delivering wine and/or malt beverages to any retail dealer in the city shall, as a condition to the privilege of conducting said business in the city:

(1) Keep and maintain true and correct records of all sales, shipments or deliveries of wine and malt beverages to each retail dealer in the city. Such records are to be preserved for a period of not less than one year and made available on request for the inspection of any duly authorized representative of the city.

(2) Collect from each retail dealer in the city at time of delivery of wine or malt beverages, the amount of tax due under the terms of this section and hold the same in trust for the city until such tax is remitted to the city as herein provided.

(3) On or before the tenth day of each calendar month, each wholesaler shall make a verified and comprehensive report to the city which shall correctly show and reflect all sales and deliveries of alcoholic beverages to or for retail dealers in the city for the calendar month immediately preceding the date of said report. Said report shall show the name and address of each retail dealer, the quantities delivered to each retailer dealer, the amount of excise tax collected under the terms of this

section, and such other reasonable information as may be requested by the city. Said report shall be accompanied by remittance payable to the city for all taxes collected or due, as shown on said report.

(d) *Noncompliance by wholesale dealer; distributor.* If any wholesale dealer or distributor fails or refuses to make the reports required herein, the city shall notify such dealer or distributor in writing and if the reports are not made and the taxes are not remitted within five days from the date of such notice, such wholesale dealer or distributor shall be prohibited from making any further deliveries in the city and the retail licensees served by such wholesale dealer or distributor for whom the taxes have not been paid shall be subject to having their license suspended or revoked as herein provided.

(e) *Unlawful retail sales.* It shall be a violation of this chapter for any person, firm or corporation to sell at retail within the city alcoholic beverages, malt beverages or wine on which the taxes herein provided for have not been paid.

(f) *Unlawful deliveries.* It shall be unlawful and a violation of this chapter for any wholesale dealer or distributor to deliver any alcoholic beverages, malt beverages or wine to any retail dealer in the city without at the time of such delivery collecting the excise taxes herein provided for.

(g) *Violations and penalties.* Any person violating any of the provisions of this chapter or who shall assist any retail dealer in alcoholic beverages or wine or malt beverages in the city to evade or avoid the payment of the taxes herein provided for shall be guilty of a violation of this section and on conviction thereof in the municipal court shall be fined or sentenced as provided by this chapter and any such person so convicted shall also by subject to having his license suspended or revoked.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-200. Excise tax on sale of distilled spirits by the drink.

(a) In addition to all other taxes or license fees imposed upon retail dealers engaged in the sale of distilled spirits by the drink there is imposed an excise tax upon the sale of said drinks in the amount of three percent of the total cost of such drink which is charged to the public. Such taxes shall be collected by the licensee under this chapter and any such licensees shall remit the same to the clerk of the city on or before the tenth day of the succeeding month along with the appropriate returns showing a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink. Gross sales shall include all credit card sales and those sales shall be reported and taxes collected thereon shall be submitted to the city clerk or designee to the same extent as required of cash sales.

(b) It shall be duty of each licensee required to make a report and pay any tax levy hereunder to keep and preserve suitable records of the sales taxable under this section, and such other books or accounts as may be necessary to determine the amount of the tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years and to provide such returns and reports as may be required by the city clerk or designee. Licensees collecting the tax provided for in this section 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 paying the amount due, if the amount is not delinquent at the time of payment. The rate of deduction should be the same rate authorized for deductions from state tax under chapter 8 of title 48 as provided in O.C.G.A. § 3-4-133. The city clerk is hereby authorized to create such reports and returns as may be necessary to adequately provide for the collection of the excise tax provided in this section.

(c) In the event the city clerk or designee deems it necessary to verify the excise tax submitted to the city pursuant to this section, for any month, he or she shall notify the licensee of such need for verification and the licensee shall submit a verified comprehensive report to the city clerk or designee, prepared by an auditor, reflecting all sales under this section by the licensee and the taxes submitted to the city. The licensee shall have 30 days to submit such a report to the city clerk or designee following such a request.

(d) *Regional economic assistance project* or *REAP* shall have the same meaning as in O.C.G.A. § 50-8-190 and shall specifically include any certified project or facility locate in a REAP. The City of Cleveland shall levy and collect any local taxes on any sale of alcoholic beverages to include distilled spirits made within its jurisdiction by a licensee as are otherwise authorized by law to include regional economic assistance projects.

(e) In addition to the penalties set forth under section 1-16 of this Code, licensees failing to remit excise taxes due and payable to the city as outlined in of this section shall be charged a ten percent penalty and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2014-17, 12-8-2014; Ord. No. 2026-01, 6-15-2026).

Sec. 4-201. Suspension or revocation; notice of hearing; refund.

(a) Any license permitting the sale of alcoholic beverages which has been issued or which may hereafter be issued by the city to any licensee may be revoked or suspended by the city clerk or designee for due cause as hereinafter defined beginning 30 days after notification without a hearing unless the licensee appeals such suspension as provided for in this chapter within 15 days after such notification.

(b) The city administrator of the city or his/her designee is hereby authorized to suspend any license issued hereunder for any emergency situation such as civil disorders or natural disasters or in any situation that the city administrator or his/her designee deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the city, and such suspension may be made effective immediately and shall remain in force until the mayor and council call a meeting prior to the next regular meeting at which time such suspension may be ended by a majority vote of the council.

(c) Where a license, identified in subsection (a), is suspended or revoked, the city shall not be required to refund any portion of the license fee to the holder of such suspended or revoked license.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-202. Suspension/revocation of license; causes.

(a) Due cause for the suspension or revocation of the licenses identified in section 4-201 (suspension or revocation; notice of hearing; refund), shall include a violation of any laws or ordinances regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business, or for the violation of any state or federal law, or for the violation of any city ordinances other than traffic ordinances or failure of licensee or employees to report promptly to the police department any violation of the law or ordinance, breach of the peace, disturbance or altercation resulting in violence occurring inside the premises or for any other legal and sufficient cause.

(b) The violation of any term, condition, or provision of this chapter in any particular, or as to any detail whatsoever, shall be cause for the suspension or revocation of any license as provided for in this chapter.

(c) Whenever the state shall revoke any permit or license to manufacture or sell, at wholesale or retail, any alcoholic beverages, or suspend or revoke a state retail consumption dealer's license, said action shall automatically serve to suspend the applicable city license issued under the terms of this chapter pending a revocation as provided for in this chapter.

(d) Any material omission from or untrue or misleading information which is contained in an original, renewal or transfer application for a license permitting the consumption of alcohol on the premises hereunder shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license. Any failure to notify of the

change in any relationship as specified in section 4-29 (change in relationships and/or ownership interest) within 30 days within such change is made shall likewise constitute due cause for cancellation, revocation or suspension of a license issued hereunder. Further, failure to pay all fees, taxes or other charges imposed under the provisions of this chapter shall constitute due cause for cancellation, revocation or suspension of a license issued hereunder.

(e) Any licensed establishment that is found to be in violation of sections 4-187 (types of entertainment, attire, and conduct prohibited), and 4-96 ("happy hour" promotions and sales) of this code shall be subject to immediate license suspension and the city clerk or designee shall take action to revoke the license as provided for in this chapter, in addition to all other penalties provided for in this chapter.

(f) Except as provided in section 4-192(f) (illegal sales of alcohol to minors), the city clerk or designee shall take action to revoke the license of any licensee whose license has been suspended three or more times in any consecutive 36-month period.

(g) The city clerk or designee shall take action to revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.

(h) The city clerk or designee may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter any time such knowledge becomes known as provided for in this chapter.

(i) In the case of an act of an employee, rather than the licensee, which presents cause for the suspension or revocation of a license, in determining whether to initiate such suspension or revocation hearings, the city clerk or designee may take into consideration any documented evidence that the licensee has on prior occasions, undertaken proactive efforts to promote compliance with the provisions of this chapter, including the provisions of this chapter prohibiting the sale or serving of alcohol to minors. Documented evidence of such activities shall include, but shall not be limited to, written evidence that the licensee has promptly reported freely and of its own volition violations or attempted violations of this chapter.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 4-203. Removal of signs.

When any license for the sale of alcoholic beverages is revoked, all signs indicating that such beverages may be sold or purchased shall immediately be removed from both inside and outside the place of business. Upon receipt by the chief of police of notice of revocation, the chief of police shall take the necessary steps to see that this section is enforced.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-204. Acceptance and consideration of application after rejection or revocation.

When any application, license or permit authorizing the consumption of alcohol on the premises is rejected or revoked, it shall be unlawful for the city clerk or designee to accept and/or consider any application from the same applicant for a license within two years from the time of such rejection or revocation.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-205. Hearings.

(a) No license or permit shall be denied, suspended, or revoked without the opportunity for a hearing as hereinafter provided.

(b) The city clerk or designee shall provide written notice to the applicant, licensee or employee of his or her order or the chief of police's decision to deny, suspend, or revoke the license or permit. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant, licensee, or employee of the right to appeal under the provisions of this chapter. Any applicant, licensee, or employee who is aggrieved or adversely affected by a final action of the city clerk or designee may have a review thereof by appeal to the Mayor and Council of the City of Cleveland. Such appeal shall be by written petition, filed in the office of the city clerk or designee within 15 days after the final order or action of the city clerk or designee and in order to defray administrative costs must be accompanied by a filing fee of $500.00. The Mayor and Council of the City of Cleveland may, at the request of the appellant, refund the filing fee by a majority vote.

(c) A hearing shall be conducted on each appeal with 30 days of the date of filing with the city clerk or designee, unless a continuance of such date is agreed to by the appellant and the city clerk or designee. 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. All testimony shall be sworn. The Mayor and Council of the City of Cleveland shall be authorized to hire independent counsel to serve as a hearing officer and/or counsel to the council with the approval of the city council.

(d) The written findings of the Mayor and Council of the City of Cleveland shall be forwarded to the city clerk or designee by Mayor and Council of the City of Cleveland after the conclusion of the hearing and it shall be the duty of the city clerk or designee to notify the appellant of the action of the Mayor an

d Council of the City of Cleveland.

(e) In hearings as set forth in this section, the city clerk or designee bears the burden of proof by a preponderance of the evidence. The findings of the city clerk or designee shall not be set aside unless the Mayor and Council of the City of Cleveland finds them to be:

(1) Contrary to law or ordinances;

(2) Unsupported by substantial evidence on the record as a whole; or

(3) Unreasonable.

(f) The findings of the Mayor and Council of the City of Cleveland shall be final unless appealed within 30 days of the date of said findings by certiorari to the superior court of the county.

(Ord. No. 2011-18, 11-14-2011; Ord. No. 2018-16, 11-13-2018; Ord. No. 2026-01, 6-15-2026)

Sec. 4-206. Notice.

For the purpose of section 4-201 (suspension or revocation; notice of hearing; refund) and section 4-205 (hearings), notice shall be deemed delivered the date when personally served or by the date three days following the date of deposit in the United States mail when such deposit is by registered mail and/or certified mail.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-207. Physical requirement of applicant's premises.

No license shall be granted to a retailer under the provision of this chapter, unless the front entrance to the premises is clearly visible from a public street; provided, however, that this restriction shall not apply where the licensee has a location in a shopping center or multiple-story business building.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-208. Sanitary regulations, immoral conduct, etc.; inspection and report by fire department.

(a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for the storage and sale of food for human consumption. It shall be unlawful to permit any disturbance of the peace, obscenity, or public indecency on the premises.

(b) The fire department shall, upon request of the city clerk or designee, inspect such premises and report its findings to the city clerk or designee. All premises licensed hereunder shall conform at all times with all fire regulations of the city.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-209. Interior visibility required.

No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or opening of any door of any convenience store selling retail package alcoholic beverages. No booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such retail store shall be so lighted that the interior of the store is visible day and night.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-210. Lighted electric advertising signs on wine or malt beverage establishment.

No licensee operating premises wherein package wine or malt beverages are sold shall operate lighted electrical signs or devices advertising such beverages except during the hours that such products are being offered for sale to the public.

(Ord. No. 2011-18, 11-14-2011)

Sec. 4-211. Prohibited advertising.

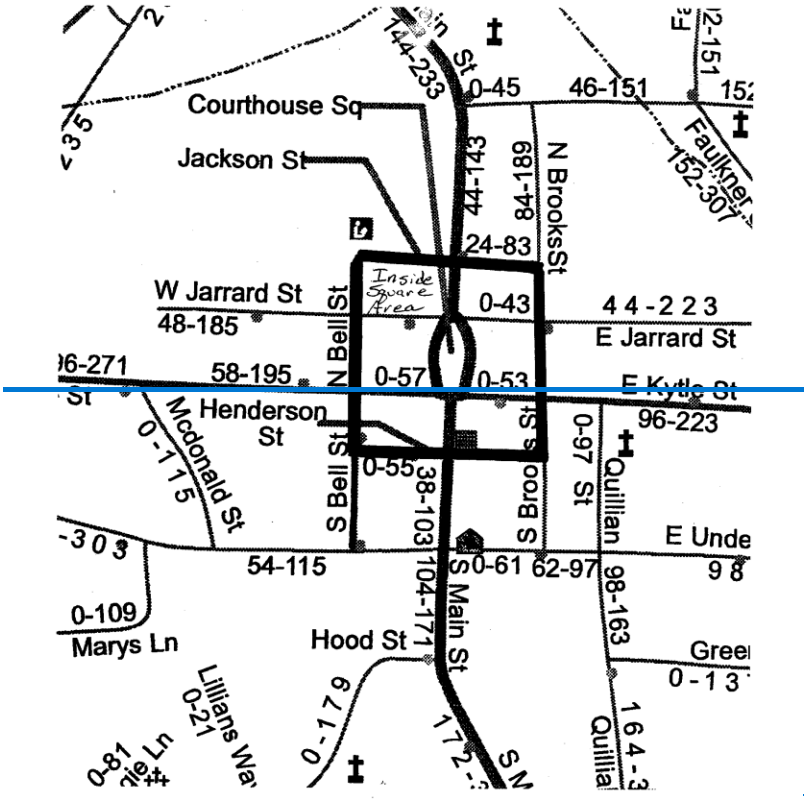
(a) No advertising of alcoholic beverages shall be published or disseminated in the city which:

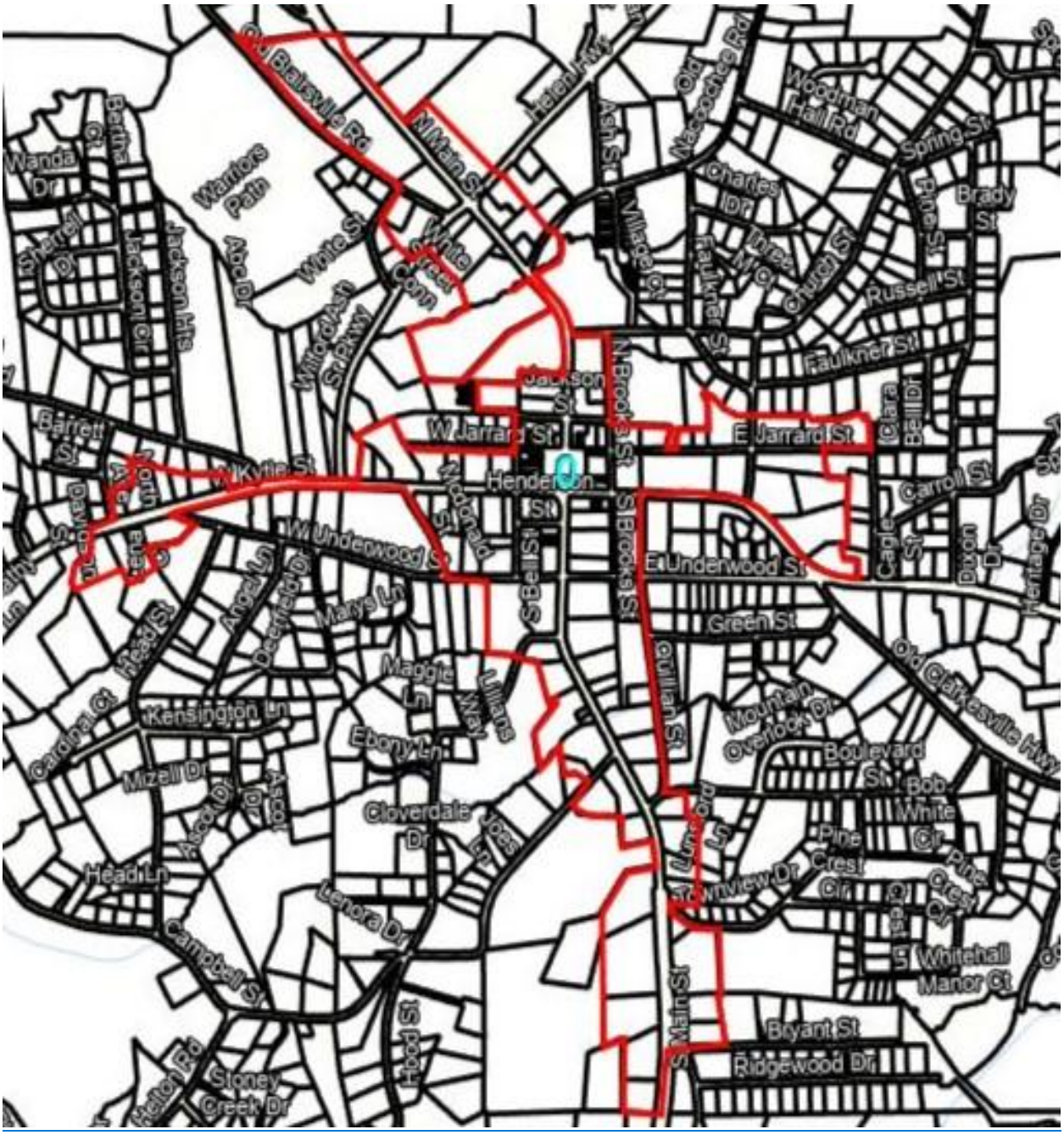
(1) Contains any statement, design, or pictorial representation which falsely implies that the product has been endorsed, made, or used by, or produced for, or under the supervision of or in association with the specification of any religious organization, the city, or any other local government entity.

(2) Contains any reference, directly or indirectly, which falsely implies an endorsement by, or relationship with, any school, college or university.

(3) Is directed to, or promotes in any way the sale of alcoholic beverages to, persons under the legal age to purchase alcoholic beverages in the state.

(Ord. No. 2011-18, 11-14-2011)


Courthouse Sq
Jackson St
W Jarrard St
48-185
Inside Square Area
0-43
44-223
E Jarrard St
58-195
N Bell St
0-57
0-53
E Kytle St
96-223
Henderson St
McDonald St
0-115
S Bell St
0-55
38-103
S Brooks St
0-97
Quillian St
54-115
0-61
62-97
98-163
0-109
Marys Ln
Hood St
S Main St
104-171
0-179
Lillians Way
0-21
0-81
44-143
84-189
N BrooksSt
24-83
46-151
Faulkner
152-301
0-45
144-233
0-135
E Unde
98
Quillian
164-3



~~ATTACHMENT I: MAP~~Attachment 1 – Downtown Economic District Map

(Ord. No. 2011-18, 11-14-2011)

Chapter 6 AMUSEMENTS AND ENTERTAINMENT[3]

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. ADULT ENTERTAINMENT

DIVISION 1. GENERALLY

Sec. 6-19. Purpose and intent.

(a) It is the purpose and intent of this article to regulate adult entertainment establishments to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform content-neutral regulations of adult entertainment establishments within the city, thereby reducing or eliminating the adverse secondary effects from such adult entertainment establishments. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor the effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this article to condone or legitimize the distribution of obscene material. This article is not intended to interfere with or suppress legitimate expression or any speech activities protected by the First Amendment to the United States Constitution or the state constitution, nor is it intended to permit any use or activity which is otherwise prohibited or made punishable by law.

(b) The regulations that follow and that otherwise are contained in this Code regarding adult entertainment establishments constitute content-neutral requirements carefully designed to minimize adverse impacts caused by secondary effects of these establishments. Studies in other jurisdictions demonstrate a correlation between these establishments and negative effects such as diminishing market values, increasing crime rates, and difficulty in securing residential and related financing. An influx of patrons to these establishments from outside the immediate neighboring areas and similar negative effects are pertinent and relevant to the situation that exists in the city. These studies, as well as other evidence from the public and professional staff, have been carefully reviewed by the city prior to adoption of these regulations. The city further finds that there is evidence considered by the city prior to adoption of these and other city regulations regarding the combined effects of adult entertainment establishments and ~~alcohol, and~~alcohol and showing that the combination of such activities create additional pernicious secondary effects upon surrounding communities.

[3]State law reference(s)—Authority of cities and counties to restrict adult bookstores, explicit media outlets, and adult movie houses to certain areas, O.C.G.A. § 36-60-3; state regulation of coin-operated amusement machines, O.C.G.A. § 48-17-1 et seq.; state regulation of billiard rooms, O.C.G.A. § 43-8-1 et seq.; authority of city to regulate billiard rooms, O.C.G.A. § 43-8-2; state regulation of carnivals, circuses and itinerant entertainers, O.C.G.A. § 43-1-15.

The city finds that adoption of regulations imposing distance and development standards is consistent with the general comprehensive planning standards and policies of the city. These regulations will reduce the negative secondary effects caused by these establishments and will afford protection to residential uses and other uses consistent with residential uses so as to protect the public health, safety, welfare and morality while respecting and protecting the free speech rights of these establishments.

(Ord. of 5-12-2008, § 1.0; Ord. No. 2026-01, 6-15-2026)

Sec. 6-20. 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:

Adult bookstore means an establishment having a substantial or significant portion of its stock in trade in magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising 20 percent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult business. The term "adult business" means:

(1) Any business other than those expressly specified in this article where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or

(2) Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.

Adult dancing establishment means a business that features dancers displaying or exposing specified anatomical areas.

Adult hotel or motel means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult mini motion picture theater means an enclosed building with a capacity of fewer than 50 persons used for commercially presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture arcade means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult video store means any establishment having a substantial or significant portion of its stock in trade in video tapes or movies or their reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section comprising five percent of its total floor space devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are

characterized or distinguished by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

Bathhouse.

(1) The term "bathhouse" means any commercial establishment that offers its area for:

a. Administered baths;

b. Engagement in any method of washing or cleansing the human body; or

c. Washing or cleansing any external part of the human body with steam, vapor, water or other liquid.

(2) Nothing contained in this article shall be construed to include a duly permitted:

Hospital;

Nursing home;

Medical clinic;

School;

Physical fitness facility;

Health club;

Physician;

Massage establishment;

Surgeon;

Physical therapist;

Chiropractor;

Osteopath;

Naturopath;

Podiatrist; or

Person holding a drugless practitioner's certificate under the laws of the state.

Children's day care facility means a structure or portion of a structure wherein is provided care and supervision of children away from their place of residence for less than 24 hours per day on a regular basis for compensation. The term "children's day care facility" shall include but not be limited to nursery school, early learning center, prekindergarten, private kindergarten, play school, or preschool.

~~*Encounter center* or *rrap establishment* means any business, agency or person who, for any form of consideration or gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas.~~

Erotic dance establishment means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Escort bureau or *introduction services* means any business, agency, or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons or who introduces, furnishes or arranges for

persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

Good moral character means, when used to describe a person, ~~that~~which said person has not been convicted of a felony or any crime not a felony if it involves moral turpitude in the past five years. The city may also take into account such other factors as are necessary to determine the good moral character of an applicant or employee. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.

Government building means any building or structure used or operated by any local, state, or federal government or agency thereof.

Lingerie modeling establishment means an establishment wherein a patron directly or indirectly is charged a fee or required to make a purchase in order to view entertainment or activity which consists of persons exhibiting or modeling lingerie or similar garments.

Minor means any person who has not attained the age of 18 years.

Owner means the proprietor, if a sole proprietorship; all general partners, if a partnership; all officers, directors, and persons holding outstanding shares if a corporation; or all members, if a limited liability company.

Premises means the entire area within the property lines of any lot upon which an adult entertainment establishment is located or within which any conduct or activity regulated by this article occurs.

Public park.

(1) The term "public park" means:

a. A publicly owned or leased tract of land designated, dedicated, controlled, maintained and operated for use by the general public for active or passive recreational or leisure purposes; and

b. Natural areas used for recreational purposes which may contain improvements, pathways, access or facilities intended for public recreational use.

(2) The term "public park" shall not include parkways, public roads, rights-of-way, traffic circles or easements.

Religious institution means any church, synagogue, mosque, temple or building where persons regularly assemble for religious worship and related religious activities.

School means a building where persons regularly assemble for the purpose of instruction or education, together with the playgrounds, stadiums and other structures or grounds used in conjunction therewith. The term "school" is limited to public and private schools used for primary or secondary education in which any regular pre-kindergarten, kindergarten or grades one through 12 classes are taught using a curriculum authorized by the state.

Specified anatomical areas means and includes any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region, buttock, or female breast below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal acts means:

(1) Sexual crimes against children, sexual abuse, rape or statutory rape, prostitution, bestiality, sodomy, sexual assault, drug-related offenses, or kidnapping;

(2) Crimes connected with another adult entertainment establishment, including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, or pandering; or

(3) Conviction in another jurisdiction for conduct which, if carried out in the county or the state, would constitute a specified criminal act under this article.

Specified sexual activities means and includes any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship and any of the following sexually oriented acts or conduct: ~~analingus,~~ buggery, coprophagy, coprophilia, cunnilingus, ~~fellatio,~~ necrophilia, pederasty, pedophilia ~~, piquerism, saphism,~~ and zooerasty;

(2) An activity, when performed in a sexual context, which clearly depicts human genitals in a state of sexual stimulation, arousal, or tumescence;

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

(6) Erotic or lewd touching, fondling, or other sexual contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

(Ord. of 5-12-2008, § 2.0; Ord. No. 2026-01, 6-15-2026)

Secs. 6-21—6-43. Reserved.

DIVISION 2. BUSINESS PERMIT

Sec. 6-44. Required.

It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, in or upon any premises within the city, any of the adult entertainment establishments defined in this article without a permit so to do. No permit so issued shall condone or make legal any activity thereunder if the same is deemed illegal or unlawful under state or federal law.

(Ord. of 5-12-2008, § 5.0)

Sec. 6-45. Operation of unpermitted premises unlawful.

It shall be unlawful for any person to operate an adult bookstore, adult motion picture theater, adult mini motion picture theater, adult hotel or motel, adult motion picture arcade, cabaret, encounter center, escort bureau or adult business or adult dancing establishments unless such business shall have a currently valid permit or shall have made proper application for renewal within the time required thereof under this division, provided that such permit shall not be under suspension or permanently or conditionally revoked.

(Ord. of 5-12-2008, § 6.0)

Sec. 6-46. Persons prohibited as permittees.

No permit provided by this division shall be issued to or held by:

(1) An applicant who has not paid all required fees and taxes for a business at that location or property taxes;

(2) Any person who is not of good moral character;

(3) Any corporation, any of whose officers, directors or stockholders holding over five percent of the outstanding issues shares of capital stock are not of good moral character;

(4) Any partnership or association, any of whose officers or members holding more than five percent interest therein are not of good moral character;

(5) Any person employing, assisted by or financed in whole or in part by any person who is not of good moral character;

(6) Any applicant who is not qualified to hold and conduct a business according to the laws of the United States, the state or the city.

Sec. 6-47. Aggregate number of permits limited.

Should there be a sufficient number of current permits to meet the needs and desires of the inhabitants of the city, no new permits shall be issued. In determining the needs and desires of the inhabitants, the standard of review shall be that the market is virtually unrestrained as defined in *Young* vs. *American Mini Theaters, Inc.*, 427 U.S. 50, 70-71, 96 S.Ct. 2440, 49 L.Ed.2d 310 (1976).

(Ord. of 5-12-2008, § 15.0)

Sec. 6-48. Application—Required; fees.

(a) Any person desiring to obtain a permit to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the city clerk or his designated representative. Prior to submitting such application, a nonrefundable fee, as set forth in the city's fee schedule, shall be paid to the city clerk or his designee to defray, in part, the cost of investigation and report required by this division. The city clerk or his designee shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the city clerk or his designee at the time such application is submitted.

(b) The application for permit does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.

(c) There shall also be an annual regulatory fee for each adult entertainment establishment permitted within the city in an amount as set forth in the city's fee schedule. The annual regulatory fee must be paid to the city clerk or his designated representative no later than November 30 of the year preceding the year for which the renewal is to be effective.

(Ord. of 5-12-2008, § 11.0)

Sec. 6-49. Same—Contents.

(a) Each application for an adult entertainment establishment permit shall contain the following information:

(1) The full true name and any other names used by the applicant;

(2) The present address and telephone number of the applicant;

(3) The previous addresses of the applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each;

(4) Acceptable written proof that the applicant is at least 18 years of age;

(5) The applicant's height, weight, color of eyes and hair and date and place of birth;

(6) Two photographs of the applicant, at least two inches by two inches, taken within the last six months;

(7) Business, occupation or employment history of the applicant for the five years immediately preceding the date of application, including business or employment records of the applicant, partners, if a partnership, or of directors, officers, and all shareholders holding more than five percent of the shares of corporate stock outstanding, if a corporation;

(8) The business permit history of the applicant and whether such applicant, in previous operations in the city or in any other city, state or territory under permit, has had such permit for an adult entertainment business or similar type of business revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;

(9) All convictions, including ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions;

(10) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors and each stockholder holding more than five percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the names, residence addresses, and dates of birth of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply;

(11) The names and addresses of the owner and lessee of the real property upon which the business is to be conducted and a copy of the lease or rental agreement;

(12) Such other identification and information as the police department may require in order to discover the truth of the matters specified in this section as required to be set forth in the application;

(13) The age and date of birth of the applicant, including the names and dates of birth of any partners, any and all officers, any stockholders of more than five percent of the shares of the corporation stock outstanding, and any directors of the applicant, if the applicant is a corporation;

(14) If the applicant, including any partners, officers, or stockholders holding more than five percent of the outstanding shares of the corporation, or directors of the applicant, if the applicant is a corporation, have ever been convicted of any crime constituting a felony, or any crime not a felony involving moral turpitude, in the past five years, a complete description of any such crime, including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether terms or disposition have been fully completed;

(15) Legible fingerprints of the applicant;

(16) If the applicant is a person doing business under a trade name, a copy of the trade name properly recorded. If the applicant is a corporation, a copy of authority to do business in the state, including articles of incorporation, trade name affidavit, if any, and last annual report, if any;

(17) At least three character references from individuals who are in no way related to the applicant or shareholders, officers or directors of a corporation and who are not or will not benefit financially in any way from the applicant if the permit is granted and who have not been convicted of any felony or a crime not a felony involving moral turpitude in the past five years. The city clerk or his designee shall prepare forms consistent with the provisions of this subsection for the applicant, who shall submit all character references on such forms;

(18) Address of the premises to be permitted;

(19) Whether the premises are owned or rented and, if the applicant has a right to legal possession of the premises, copies of those documents giving such legal right;

(20) A plat by a registered engineer, permitted by the state, showing the location of the proposed premises in relation to the neighborhood, the surrounding zoning, and its proximity to any church, school, public park, governmental building or site or other business hereunder regulated.

(b) Each application for an adult entertainment establishment permit shall be verified and acknowledged under oath to be true and correct by:

(1) The individual, if the applicant is an individual;

(2) By the manager or general partner, if a partnership;

(3) By the president of the corporation, if a corporation;

(4) By the chief administrative official, if any other organization or association.

(Ord. of 5-12-2008, § 12.0)

Sec. 6-50. Same—Applicant to appear.

The applicant, if an individual, or the designated responsible managing officer, if a partnership or corporation, shall personally appear at the city and produce proof that a nonrefundable application fee, as set forth in the city's fee schedule, has been paid and shall present the application containing the information described in section 6-49.

(Ord. of 5-12-2008, § 13.0)

Sec. 6-51. Same—Investigation.

The city shall have 30 days to investigate the application and the background of the applicant. Upon completion of the investigation, the city clerk or his designee may grant the permit if he finds:

(1) The required fee has been paid;

(2) The application conforms in all respects to the provisions of this division;

(3) The applicant has not knowingly made a material misrepresentation in the application;

(4) The applicant has fully cooperated in the investigation of his application;

(5) The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct or convicted of an attempt to commit any of the aforementioned offenses, or convicted in any state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the aforementioned offenses, or any crime involving dishonesty, fraud, deceit or moral turpitude;

(6) The applicant has not had an adult entertainment establishment permit or other similar permit denied or revoked for cause by the city or any other city located in or out of this state prior to the date of application;

(7) The building, structure, equipment or location of such business as proposed by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, distance, fire and safety requirements and standards;

(8) The applicant is at least 21 years of age;

(9) The applicant or his employee, agent, partner, director, officer, stockholder or manager has not, within five years of the date of the application, knowingly allowed or permitted any specified sexual activities to be committed or allowed in or upon the premises where such adult entertainment establishment is to be located or to be used as a place in which solicitations for specified sexual activities openly occur;

(10) On the date the business for which a permit is required herein commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open;

(11) The proposed premises shall not be located too close to any church, school, library, governmental building or site or any other business restricted hereunder and is within the approved zoning;

(12) The grant of such permit will not cause a violation of this article or any other ordinance or regulation of the city, the state or the United States;

(13) Any other inquiry deemed necessary or desirable by the city to ensure the health, safety and welfare of the citizens of the city or the preservation of its neighborhoods has been satisfied.

(Ord. of 5-12-2008, § 14.0)

Sec. 6-52. Display.

An adult entertainment establishment permittee shall conspicuously display all permits required by this division.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-53. Renewal.

Permits for adult entertainment establishments may be renewed on a year-to-year basis, provided that the permittees continue to meet the requirements set out in this article. The renewal fees for the adult entertainment establishment permits shall be as set forth in the city's fee schedule.

(Ord. of 5-12-2008, § 17.0)

Sec. 6-54. Nontransferable.

No adult entertainment establishment permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner without effecting a surrender or termination of such permit, and in such case the permit, upon notification to the city, shall be placed in the name of the surviving partner. An adult entertainment establishment permit 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 permit or any stock authorized but not issued at the time of the granting of a permit is thereafter issued and sold, transferred or assigned.

(Ord. of 5-12-2008, § 18.0)

Sec. 6-55. Change of location or name.

(a) No adult entertainment establishment shall move from the location specified on its permit until a change of location fee, as set forth in the city's fee schedule, has been deposited with the city and approval has been obtained from the city clerk or his designee and the zoning board. Such approval shall not be given unless all requirements and regulations as contained in this Code have been met.

(b) No permittee shall operate, conduct, manage, engage in or carry on an adult entertainment establishment under any name other than his name and the name of the business as specified on his permit.

(c) Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is located shall require inspection and shall comply with the provisions and regulations of this division.

(Ord. of 5-12-2008, § 19.0)

Sec. 6-56. Refusal; appeal.

If the city, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this division, it shall notify the city clerk or his designee of such opinion and, within 30 days of the date of application, provide copies of the investigation report to the city clerk or his designee. The city clerk or his designee shall, within ten days, notify the applicant by certified mail of such denial. Any applicant who is denied a permit may appeal such denial to the mayor and city council.

(Ord. of 5-12-2008, § 16.0)

Secs. 6-57—6-85. Reserved.

DIVISION 3. EMPLOYEES

Sec. 6-86. Qualifications.

Employees of an adult entertainment establishment shall be not less than 18 years of age. Every employee must be of good moral character. Any employee who is convicted of a crime that is a felony, or any crime not a felony if it involves moral turpitude, while employed as an adult entertainment establishment employee shall not thereafter work on any permitted premises for a period of five years from the date of such conviction unless a longer time is ordered by a court of competent jurisdiction. For the purposes of this section, the term "convicted" shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime, and the terms "employed on the premises" and "work on any permitted premises" shall include as well work done or services performed while in the scope of employment elsewhere than the permitted premises.

(Ord. of 5-12-2008, § 10.0)

Sec. 6-87. Approval for employment.

Before any person may work on a permitted premises, he shall file a notice with the city clerk or his designee of his intended employment on forms supplied by the city clerk or his designee and shall receive approval of such employment from the city clerk or his designee. The prospective employee shall supply such information as the

city clerk or his designee requires, including a set of fingerprints, on regular city or United States Department of Justice forms. Upon approval, the employee may begin working on the permitted premises; if approval is denied, the prospective employee may, within ten days of said denial, apply to the city clerk or his designee in writing for a hearing. The decision of the city clerk or his designee after the hearing may be appealed to the mayor and city council which may issue such order as is proper in the premises.

(Ord. of 5-12-2008, § 10.0)

Sec. 6-88. Investigative and permit fee.

An investigation and permit fee in the amount set forth in the city's fee schedule shall accompany the notice of intended employment or a receipt of the city clerk or his designee evidencing the payment of such fee at the time the notice is filed.

(Ord. of 5-12-2008, § 10.0(b))

Sec. 6-89. Suspension or revocation.

Violation of the provisions of this division, the ordinances of the city, laws and regulations of the state, or the rules and regulations of the city shall subject an employee to suspension or revocation of a permit.

(Ord. of 5-12-2008, § 10.0)

Sec. 6-90. Independent contractors considered employees.

For the purpose of this division, independent contractors shall be considered as employees and shall be permitted as employees, regardless of the business relationship with the owner or permittee of any adult entertainment establishment.

(Ord. of 5-12-2008, § 10.0)

Sec. 6-91. Annual report of gross receipts and compensation to dancers.

No later than March 1 of each year, an erotic dance establishment permittee shall file a verified report with the city clerk or his designee showing the permittee's gross receipts and amounts paid to dancers for the preceding calendar year.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-92. Retention of employee records.

An erotic dance establishment permittee shall maintain and retain, for a period of two years, the names, addresses and ages of all persons employed as dancers. It is the responsibility of the owner to verify the ages of all employees.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-93. Underage dancers prohibited.

No adult entertainment establishment permittee shall employ or contract with as a dancer a person under the age of 18 years or a person not permitted pursuant to this division.

(Ord. of 5-12-2008, § 3.0)

Secs. 6-94—6-114. Reserved.

DIVISION 4. APPEALS

Sec. 6-115. Procedure.

(a) The permittee shall, within ten days after he has been notified of an adverse determination, submit in writing a notice of appeal to the city clerk or his designee.

(b) The notice of appeal shall be addressed to the mayor and city council and shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the adverse decision (or receipt of notice thereof), the basis of the appeal, the action requested of the mayor and city council and the name and address of the applicant.

(c) The city clerk or his designee shall place the appeal on the agenda of the next regular mayor and city council meeting occurring not less than five nor more than 30 days after receipt of the application for mayor and city council action.

(Ord. of 5-12-2008, § 20.0)

Sec. 6-116. Mayor and city council determine procedure.

When an appeal is placed on the mayor and city council agenda, the mayor and city council may take either of the following actions:

(1) Set a hearing date and instruct the city clerk or his designee to give such notice of hearing as may be required by law;

(2) Appoint a hearing officer and fix the time and place for hearing. The hearing officer may or may not be a city employee and may be appointed for an extended period of time. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this division.

(Ord. of 5-12-2008, § 21.0)

Sec. 6-117. Mayor and city council hearing.

Whenever the city clerk or his designee has scheduled an appeal before the mayor and city council, the mayor and city council shall receive, at the time and date set therefor, all relevant testimony and evidence from the permittee, from interested parties and from city staff. The mayor and city council may sustain, overrule or modify the action complained of. The action of the mayor and city council shall be final.

(Ord. of 5-12-2008, § 22.0)

Sec. 6-118. Powers of hearing officer.

The hearing officer appointed pursuant to the procedure set out in this division may receive and rule on admissibility of evidence, hear testimony under oath and call witnesses as he may deem advisable with respect to the conduct of the hearing.

(Ord. of 5-12-2008, § 23.0)

Sec. 6-119. Rules of evidence inapplicable.

The mayor, city council and hearing officer shall not be bound by the traditional rules of evidence in hearings conducted under this division. Rules of evidence as applied in an administrative hearing shall apply.

(Ord. of 5-12-2008, § 24.0)

Sec. 6-120. Hearing officer report.

(a) The hearing officer shall, within a reasonable time not to exceed 30 days from the date such hearing is terminated, submit a written report to the mayor and city council. Such report shall contain a brief summary of the evidence considered and state findings, conclusions and recommendations. All such reports shall be filed with the city clerk or his designee and shall be considered public records. A copy of such report shall be forwarded by certified mail to the permittee/appellant the same day it is filed with the city clerk or his designee, with additional copies furnished to the chief of police.

(b) The city clerk or his designee shall place the hearing officer's report on the agenda of the next regular mayor and city council meeting occurring not less than ten days after the report is filed and shall notify the permittee/appellant of the date of such meeting at least ten days prior to the meeting unless the permittee/appellant stipulates to a shorter notice period.

(Ord. of 5-12-2008, § 25.0)

Sec. 6-121. Action by mayor and city council.

The mayor and city council may adopt or reject the hearing officer's decision in its entirety or may modify the proposed recommendation. If the mayor and city council does not adopt the hearing officer's recommendation, it may:

(1) Refer the matter to the same or another hearing officer for a completely new hearing or for the taking of additional evidence on specific points; in either of such cases, the hearing officer shall proceed as provided in this division;

(2) Decide the case upon a review of the entire record before the hearing officer with or without taking additional evidence.

(Ord. of 5-12-2008, § 26.0)

Secs. 6-122—6-140. Reserved.

DIVISION 5. PHYSICAL PREMISES

Sec. 6-141. Location.

(a) No adult entertainment establishment, business, or use shall be located within 1,000 feet, measured from the closest point of the real property on which the adult entertainment establishment is sought to be erected and operated in a straight line to the closest point of the real property, of the following:

(1) Any parcel of land which is either zoned or used for residential uses or purposes;

(2) A church, school, government owned or operated public facility, library, public park, child day care facility or hospital;

(3) Any other adult entertainment establishment;

(4) An establishment permitted to sell alcoholic beverages.

(b) No adult entertainment establishment, business, or use shall be located outside of the industrial zoning area.

(c) If the adult entertainment establishment or the activity to which a measurement is required is a part of a tract of land occupied by other uses, the measurements shall be from the closest point of the total tract of land and not the building in which the activities are located.

(Ord. of 5-12-2008, § 9.0)

Sec. 6-142. Hours and days of operation.

An erotic establishment may be open only between the hours of 8:00 a.m. and 12:00 midnight Monday through Friday, and from 8:00 a.m. Saturday through 1:00 a.m. Sunday. No permittee shall permit his place of business to open on Christmas Day or on Sundays between 1:00 a.m. and 12:00 midnight.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-143. Lighting.

All areas of an establishment permitted hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5 footcandles per square foot.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-144. Parking.

All off-street parking areas and premises entries of the adult entertainment establishment shall be illuminated from sunset to one hour following the time of closing of the adult entertainment establishment with a lighting system which provides an average maintained horizontal illumination of ten footcandles of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult entertainment for the personal safety of patrons and employees and to reduce criminal conduct.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-145. Cleaning of permitted premises.

Each permitted premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the permitted premises. There shall be provided adequate facilities, equipment and ~~supplies~~supplies provided on the permitted premises to meet this requirement, and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire permitted premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the permitted premises but shall be disposed of daily or as often as collections permit.

(Ord. of 5-12-2008, § 28.0)

Sec. 6-146. Self-inspection of permitted premises.

The permittee of a permitted premises or his designated representative shall make sanitary inspections of the permitted premises at least once a month and shall record his findings on a form supplied by the city clerk or his designee. Each permitted premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

(Ord. of 5-12-2008, § 29.0)

Sec. 6-147. Sealing for unsanitary or unsafe conditions.

A permitted premises or any part thereof may be sealed by order of the city clerk or his designee on his finding of a violation of this division resulting in an unsanitary or unsafe condition. Prior to sealing, the city clerk or his designee shall serve on the permittee, by personal service ~~on him~~ or by posting in a conspicuous place on the permitted premises, a notice of the violations and order to correct it within 24 hours after service. If the violation is not so corrected, the city clerk or his designee may physically seal that portion of the permitted premises causing the violation and order the discontinuance of use thereof until the violation has been corrected and the seal removed by the city clerk or his designee. The city clerk or his designee shall affix to the sealed premises a conspicuous sign labeled "Unclean" or "Unsafe" as the case may be.

(Ord. of 5-12-2008, § 30.0; Ord. No. 2026-01, 6-15-2026)

Sec. 6-148. Inspection of premises.

It shall be the duty of any permittee and manager of an adult entertainment establishment to allow for regulatory inspection during business hours of all portions of the premises upon request of the city police department, city code enforcement officer, city fire department, and the county health department and other regulatory local, state, and federal agencies.

(Ord. of 5-12-2008, § 3.0)

Secs. 6-149—6-179. Reserved.

DIVISION 6. REGULATIONS

Sec. 6-180. Unlawful operation declared nuisance.

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance. The city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for abatement, removal or enjoinment thereof in the manner provided by law. It shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this article. In addition, violation of the provisions of this article shall be per se grounds for suspension or revocation of a permit granted hereunder.

(Ord. of 5-12-2008, § 27.0)

Sec. 6-181. Advertisement prohibited without permit.

No person shall advertise or cause to be advertised an erotic dance establishment without a valid adult entertainment establishment permit issued pursuant to this article.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-182. Alcoholic beverages prohibited.

No erotic dance establishment permittee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, malt beverage, wine, any other alcoholic beverage, or controlled substance upon the premises of the permittee.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-183. Dancing regulations.

(a) All dancing shall occur on a platform intended for that purpose which is raised at least 18 inches from the level of the floor. All platforms must comply with all building codes.

(b) No dancing shall occur closer than four feet to any patron.

(c) No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer. There shall be no physical contact of any kind between employees and patrons.

(d) No patron shall directly pay or give any gratuity to any dancer or employee.

(e) No dancer or employee shall solicit any pay or gratuity from any patron.

(Ord. of 5-12-2008, § 3.0)

Sec. 6-184. Certain activities prohibited.

No person shall publicly display or expose or suffer the public display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area or buttocks in a lewd and obscene fashion.

(Ord. of 5-12-2008, § 4.0)

Sec. 6-185. Admission of minors unlawful.

It shall be unlawful for a permittee to admit or permit the admission of minors within a permitted premises.

(Ord. of 5-12-2008, § 7.0)

Sec. 6-186. Sales to minors unlawful.

It shall be unlawful for any person to sell, barter, give or offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult bookstore, adult motion picture theater, adult business or adult dancing establishment or other adult entertainment establishment.

(Ord. of 5-12-2008, § 8.0)

Chapter 8 ANIMALS[4]

ARTICLE I. IN GENERAL

Sec. 8-1. County regulations adopted.

(a) ~~T~~The city council hereby adopts by reference those portions of the County Code of Ordinances governing the regulation and control of animals, as such provisions may be amended, renumbered, recodified, or succeeded from time to time, as though fully set forth in this Code, including the following articles:~~he city adopts, as if fully set forth herein, that portion of the county Code of ordinances regarding the regulation of animals (currently chapter 10 of the county Code), as they exist on the date of adoption of this Code, currently containing the following articles~~:

Article I	General Provisions
Article II	Responsible Dog Ownership Law~~Livestock Running at Large~~
Article III	Reserved~~Dead Animal Disposal Code~~
Article IV	Rabies Control~~Dogs~~

[4]State law reference(s)—Licensing and registration of animals by local authorities, O.C.G.A. § 31-19-3; livestock running at large, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to roam or run free, O.C.G.A. § 4-8-6; disposal of diseased, disabled, or dead animals, O.C.G.A. § 4-5-1 et seq.; dogs generally, O.C.G.A. § 4-8-1; dangerous dog control, O.C.G.A. § 4-8-20 et seq.; vicious dogs, O.C.G.A. § 4-8-40 et seq.; animal protection, O.C.G.A. § 4-11-1 et seq.; cruelty to animals, O.C.G.A. § 16-12-4; cruelty to dogs; authorized killing of dogs, O.C.G.A. § 4-8-5; rabies control, O.C.G.A. § 31-19-1; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-6.

~~Article V~~	~~Dangerous Dog Control~~
~~Article VI~~	~~County Animal Protection Code~~
~~Article VII~~	~~Humane Care for Equines~~
~~Article VIII~~	~~Sterilization of Dogs and Cats in Shelters~~
~~Article IX~~	~~Nuisance Animals~~
~~Article X~~	~~Penalties~~
~~Article XI~~	~~Vicious Dogs~~
~~Article XII~~	~~Enforcement of Rabies Control Rules and Regulations~~
~~Article XIII~~	~~Attack or Guard Dogs~~

(b) Whenever the county regulations adopted herein prohibit or prescribe acts within the county, the provision shall be construed to prohibit or prescribe the same act within the geographical boundaries of the city.

(c) Whenever the county regulations adopted herein refer to a penalty for violations, the penalty shall be construed to be the penalties provided in section 1-18. In the event state laws provides a greater penalty, then the maximum penalty provided by state law shall be imposed; provided, however, that enforcement and disposition of fines, forfeitures and other revenues shall be as provided in this Code to the extent authorized by state law or, in the absence of controlling provisions in this Code, then as provided by state law.

(d) A copy of the county regulations adopted in this section shall be available for inspection in the office of the city clerk.

(Ord. No. 2026-01, 6-15-2026)

Secs. 8-2—8-20. Reserved.

ARTICLE II. DOG LICENSES

Secs. 8-21—8-43. Reserved.

ARTICLE III. ADMINISTRATION AND ENFORCEMENT

Sec. 8-44. Animal control board.

The city has designated the county board of health as and for its animal control board as required by O.C.G.A. § 4-8-22. The county board of health is authorized and shall have jurisdiction to conduct the hearings and to determine the matter provided for in O.C.G.A. § 4-8-24 within the incorporated areas of the city.

(Ord. of 3-13-1989, § III)

State law reference(s)—Animal control board authorized, O.C.G.A. § 4-8-22(d).

Sec. 8-45. Assignment of duties to police chief or county rabies control officer.

The mayor and city council may assign the additional duties of the dog control officer to the chief of police or to any city police officer. Alternatively, with the consent of the county board of health and the county rabies control officer, the mayor and city council may assign the duties of the city dog control officer to a county rabies control officer appointed under O.C.G.A. § 31-19-7.

(Ord. of 3-13-1989, § IV)

Sec. 8-46. Arrest authority of dog control officer.

The person carrying out the duties of dog control officer under this article may make arrests if the person is a law enforcement officer having the powers of arrest.

(Ord. of 3-13-1989, § IV)

Sec. 8-47. Investigations to identify dangerous dogs.

The dog control officer shall make such investigations and inquiries as may be necessary to identify dangerous dogs and owners of dangerous dogs within the incorporated areas of the city.

(Ord. of 3-13-1989, § V)

Sec. 8-48. Notice to owner of dangerous dog classification.

When the dog control officer classifies a dog as a dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the dog control officer shall notify the dog's owner of such classification or reclassification in writing by certified mail to the owner's last known address.

(Ord. of 3-13-1989, § V)

Chapter 10 BUILDINGS AND BUILDING REGULATIONS[5]

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. TECHNICAL CODES

[5]State law reference(s)—Municipal home rule, Ga. Const. art. IX, § II, O.C.G.A. § 36-35-1 et seq.; building trade contractors, O.C.G.A. § 43-14-1 et seq.; enforcement of adopted codes, O.C.G.A. § 8-2-26; state minimum standards codes, O.C.G.A. § 8-2-21; minimum standards codes to have uniform application throughout the state, O.C.G.A. §§ 8-2-25, 8-2-28.

Sec. 10-19. Adopted by reference; copies to be made publicly available.

(a) The following state minimum standard codes and permissive codes, as set forth in O.C.G.A. §§ 8-2-20 and 8-2-21, are adopted by the city as though fully set forth herein; ordinance by reference as fully and completely as if set out verbatim herein:

(1) International Building Code, 2012 Edition, with amendments, including Chapter 1, Administration;

(2) International Residential Code, 2012 Edition, with amendments and including Chapter 1, Administration;

(3) International Plumbing Code, 2012 Edition, with amendments and including Chapter 1, Administration;

(4) International Mechanical Code, 2012 Edition, with amendments and including Chapter 1, Administration;

(5) International Fuel Gas Code, 2012 Edition, with amendments and including Chapter 1, Administration;

(6) National Electrical Code, NFPA 70, 2011 Edition, with State of Georgia amendments;

(7) International Fire Code, 2012 Edition, with amendments, including Chapter 1, Administration;

(8) International Energy Conservation Code, 2000 Edition, with Georgia Supplements and Amendments (2003), Georgia Supplements and Amendments (2006), Georgia Supplements and Amendments (2007), Georgia Supplements and Amendments (2009);

(9) Standard Swimming Pool Code, 2012 Edition, with amendments, including Chapter 1, Administration.

(b) Subsequent editions or amendments to the adopted publications and state amendments and errata shall become effective 30 days after the city council receives notice that copies of such publications have been obtained, unless the council, within such 30-day period, disapproves the subsequent edition or amendment.

(c) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk and kept on file in the office of the clerk, where they shall be available for public inspection, all as required by the city Charter.

(Ord. of 10-13-2008, art. B; Ord. No. 2014-02, § I, 6-9-2014)

Editor's note(s)—Fire codes for the city are adopted in section 26-19.

Sec. 10-20. Applicability of adopted codes.

(a) *Building.* The provisions of the International Building Code, 2006 Edition, with amendments, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(b) *Electrical.* The provisions of the National Electrical Code, 2005 Edition, with amendments, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(c) *Gas.* The provisions of the national International Fuel Gas Code, 2006 Edition, with amendments contained in NFPA pamphlet 54/57/58 shall apply to the installation of consumers gas piping, gas appliances and related accessories as covered in this article. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one- and two-family dwellings.

(d) *Mechanical.* The provisions of the International Mechanical Code, 2006 Edition, with amendments, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems, except in one- and two-family dwellings. If fiber duct board is used, it shall be prominently labeled as such. ANSI-approved dated duct tape shall be used.

(e) *Plumbing.* The provisions of the International Plumbing Code, 2006 Edition, with amendments, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.

(f) *Fire prevention.* The provisions of the International Fire Code, as adopted in section 26-19, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance of every commercial building or structure or any appurtenances connected or attached to such buildings or structures.

(g) *Energy.* The provisions of the International Energy Conservation Code, 2000 Edition, with amendments, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

(h) *Construction of one- and two-family dwellings.* The provisions of the International Residential Code, 2006 Edition, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance of every one- or two-family dwelling or any appurtenances connected or attached to such buildings or structures.

(i) *Property maintenance*. The provisions of the International Property Maintenance Code, 2012 edition, with amendments, as published by the International Code Council, or latest version adopted by the Department of Community Affairs for the State of Georgia, is adopted as the Property Maintenance Code of the City of Cleveland, in the State of Georgia, for regulating and governing the conditions and maintenance of all property, buildings, and structures.

(j) *Nuisance ordinance.* The provisions of this Code provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished. The nuisance ordinance is found in article IV of chapter 36.

(Ord. of 10-13-2008, art. C, § 3(A); Ord. No. 2018-04, 3-5-2018)

Sec. 10-21. Codes remedial in nature.

The city's technical codes are remedial in nature and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment, including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems (herein "service systems").

(Ord. of 10-13-2008, art. C, § 3(A))

Sec. 10-22. Quality control.

Quality control of materials and workmanship is not within the purview of the city's technical codes except as it relates to the purposes stated herein.

(Ord. of 10-13-2008, art. C, § 1)

Sec. 10-23. Liability of city.

The inspection or permitting of any building, system or plan, under the requirements of the city's technical codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the city nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, that may occur subsequent to such inspection or permitting.

(Ord. of 10-13-2008, art. C, § 2)

Sec. 10-24. Conflict of regulations.

Where, in any specific case, sections of the technical codes, of the city's technical codes, and of state or federal law or regulation specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. of 10-13-2008, art. C, § 3(A))

Sec. 10-25. Appendices to technical codes.

Appendices referenced in the code text of the technical codes shall be considered an integral part of the codes.

(Ord. of 10-13-2008, art. C, § 3(C))

Sec. 10-26. Referenced standards.

Standards referenced in the text of the technical codes shall be considered an integral part of the codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

(Ord. of 10-13-2008, art. C, § 3(D))

Sec. 10-27. Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this chapter or of the other technical codes, shall be determined by the building inspector.

(Ord. of 10-13-2008, art. A, § 5(6))

Sec. 10-28. Alternate materials and methods.

The provisions of the technical codes adopted by this article are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

(Ord. of 10-13-2008, art. A, § 5(7))

Sec. 10-29. Existing buildings to comply.

Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the technical codes, provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical codes for new construction. The building official shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction.

(Ord. of 10-13-2008, art. A, § 4)

Sec. 10-30. Maintenance.

All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the technical codes when constructed, altered or repaired shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

(Ord. of 10-13-2008, art. C, § 3(E))

Sec. 10-31. Change of occupancy.

If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the technical codes as required by the building official.

(Ord. of 10-13-2008, art. C, § 5(B))

Sec. 10-32. Special historic buildings.

The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.

Sec. 10-33. Federal and state authority.

The provisions of this article shall not be held to deprive any federal or state agency or any applicable governing authority having jurisdiction of any power or authority which it had on the effective date of the adoption of the ordinance from this article is derived or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

(Ord. of 10-13-2008, art. C, § 3(B))

Secs. 10-34—10-53. Reserved.

ARTICLE III. PERMITS

DIVISION 1. GENERALLY

Sec. 10-54. Required.

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes adopted by reference in this chapter, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. Fees for issuance of permits shall be in the amounts established by the city council.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-55. Accessory buildings or remodeling.

Accessory buildings or remodeling which are ten feet by 12 feet or less and valued at less than $1,000.00 do not require a permit. However, any accessory building which requires a branch circuit panel board and/or a utility service shall be required to have a building permit. Accessory buildings which do not require a building permit are still required to meet all setback requirements as defined in this article.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-56. Exceptions; minor repairs.

(a) Permits shall not be required for the following mechanical work:

(1) Any portable heating appliance;

(2) Any portable ventilation equipment;

(3) Any portable cooling unit;

(4) Replacement of any part which does not alter its approval or make it unsafe;

(5) Any portable evaporative cooler;

(6) Any self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(b) Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes adopted by reference in this chapter.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-57. Fees; accounting.

(a) *Prescribed fees.* A permit shall not be issued until the necessary fees for such permit have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the size of the building, structure, electrical, plumbing, mechanical or gas systems, etc., has been paid. All fees shall be as provided in the city fee schedule and shall be posted in the building inspection department.

(b) *Accounting.* The building inspection department shall keep a permanent and accurate ~~accounting~~account of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

(Ord. of 10-13-2008, art. C, § 6; Ord. No. 2026-01, 6-15-2026)

Sec. 10-58. Work begun before issuance of permit.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc., system before obtaining the necessary permits, shall be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-59. Required notice to be included on permits; posting; providing copy to owner.

(a) Pursuant to O.C.G.A. § 8-2-26, any building permit issued under this chapter to a general contractor or homebuilder for residential or commercial construction shall have prominently printed thereon, at least one inch apart from any other text on the permit and in type size and boldness equal to or greater than any other type size and boldness in the body of the permit, the following:

"The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics' and materialmen's liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In order to protect any interest in such property and to avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer's guide to the lien laws which may be available at building supply home centers."

(b) Pursuant to O.C.G.A. § 8-2-26, any person or entity which is issued a permit which authorizes improvements to new or existing residential or commercial real property shall be required to post a copy of such permit in a conspicuous place in the vicinity of such property where such improvements are being undertaken or deliver a copy of the permit to the property owner within ten days after the permit is received.

Sec. 10-60. Work authorized.

A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-61. Information required.

Each application for a permit, with the required fee, shall be filed with the building inspection department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent and shall be accompanied by the following:

(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 the building is designed to accommodate;

(6) The layout of off-street parking and loading spaces;

(7) Such other information as may be essential for determining whether the provisions of this article are being observed; and

(8) Such other information as may be requested by the building inspector or required by any other city ordinance.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-62. Time limitations.

(a) An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing for the permit unless, before then, a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(b) Any building permit or other permit issued pursuant to this article shall become invalid unless the work authorized by it shall have been commenced within six months of the date of issuance or, if the work authorized by the permit is suspended or abandoned, for a period of six months.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-63. Revocation of permits.

(a) *Misrepresentation on application.* The building inspector may revoke a permit or approval issued under the provisions of this article in any case where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) *Violation of provisions.* The building inspector may revoke a permit upon determination by the building inspector that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of or not in conformity with the provisions of this article.

(Ord. of 10-13-2008, art. A, § 5(4))

Secs. 10-64—10-84. Reserved.

DIVISION 2. DRAWINGS AND SPECIFICATIONS

Sec. 10-85. Requirements.

When required by the building official, two or more copies of specifications and of ~~drawings,~~drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

(Ord. of 10-13-2008, art. C, § 6; Ord. No. 2026-01, 6-15-2026)

Sec. 10-86. Additional data.

The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with such architect's or engineer's official seal.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-87. Design professional.

(a) The design professional shall be an architect or engineer legally registered under the laws of the state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

(1) All group A (assembly), group E (educational), and group I (institutional) occupancies.

(2) Buildings and structures three stories or more high.

(3) Buildings and structures 5,000 square feet or more in area.

(b) For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-88. Structural and fire resistance integrity.

Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall floor-ceiling partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-89. Site drawings.

Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-90. Hazardous occupancies.

The building official may require the following:

(1) *General site plan.* A general site plan, drawn at a legible scale, which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent accessways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

(2) *Building floor plan.* A building floor plan, drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire-rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

(Ord. of 10-13-2008, art. C, § 6)

Secs. 10-91—10-108. Reserved.

DIVISION 3. EXAMINATION OF DOCUMENTS

Sec. 10-109. Plan review.

The building official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicted and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-110. Building permit valuations.

If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-111. Affidavits.

(a) The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings showing the structural design, by a statement that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability.

(b) The building official may, without any examination or inspection, accept such affidavit, provided that the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed, and upon completion of the structure, electrical, gas, mechanical or plumbing systems, a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the technical codes and other pertinent laws or articles.

(Ord. of 10-13-2008, art. C, § 6)

Secs. 10-112—10-135. Reserved.

DIVISION 4. ISSUANCE

Sec. 10-136. Action on permits.

The building official shall act upon an application for a permit without unreasonable or unnecessary delay. If the building official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and articles, he shall issue a permit to the applicant.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-137. Refusal to issue permit.

If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or articles, the building official shall not issue a ~~permit, but~~permit but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

(Ord. of 10-13-2008, art. C, § 6; Ord. No. 2026-01, 6-15-2026)

Sec. 10-138. Special foundation permit.

When application for a permit to erect or enlarge a building has been filed and pending issuance of such permit, the building official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is not proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted or that corrections will not be required in order to meet provisions of the technical codes.

Sec. 10-139. Public right-of-way.

A permit shall not be given by the building official for the construction of any building or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the building official to see that the street lines are not encroached upon except as provided in the standard building code.

Sec. 10-140. Contractor's responsibilities.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, sprinkler or plumbing systems for which a permit is required to comply with state or local rules and regulations concerning licensing which the city may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the city with its license number before receiving a permit for work to be performed.

(Ord. of 10-13-2008, art. C, § 6)

Secs. 10-141—10-163. Reserved.

DIVISION 5. CONDITIONS

Sec. 10-164. Intent.

A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction, or violations of this Code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the ~~worked~~work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Permission for extensions shall be in writing by the building official.

(Ord. of 10-13-2008, art. C, § 6; Ord. No. 2026-01, 6-15-2026)

Sec. 10-165. Issuance on basis of reports from approved agencies or individuals.

Permit issued on basis of an affidavit. The building official shall make all of the required inspections, or the building inspector shall have the authority to accept reports of inspection by approved agencies or individuals.

Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-166. Plans.

When the building official issues a permit, he shall enforce, in writing or by stamp, both sets of plans "Reviewed for Code Compliance." One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized representative.

(Ord. of 10-13-2008, art. C, § 6)

Secs. 10-167—10-185. Reserved.

DIVISION 6. INSPECTIONS

Sec. 10-186. Fees.

The fee for all inspections required or permitted under this division shall be as established by the city council.

Sec. 10-187. Existing buildings.

Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-188. Manufacturers and fabricators.

When deemed necessary by the building official, he shall make or cause to be made an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

Sec. 10-189. Inspection services.

The building official may make or cause to be made the inspections required herein. He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

Sec. 10-190. Condition for issuance of certificates.

The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

Sec. 10-191. Posting of permit.

Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the building official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the building official.

Sec. 10-192. Required inspections.

The building inspector, upon notification from the permit holder or his agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code. The builder shall request an inspection by means of a telephone call or fax to the office of the building inspector. All requests received shall immediately have a time and date stamp affixed to them. The building inspector shall inspect the site within 24 hours of the request or at the inspector's earliest appointment date.

(1) *Foundation.* A foundation shall be made after trenches are excavated and forms erected and before concrete is poured. All footings should be on firm ground with a minimum width of 16 inches and a minimum poured depth of eight inches.

   a. The builder shall request an inspection by means of a telephone call or fax to the office of the building inspector.

   b. The building inspector shall inspect the site within 24 hours of the request or at the inspector's earliest appointment date.

(2) *Frame.* A frame shall be made after the roof, all framing, fire blocking and bracing are in place, and the house is "dried-in."

   a. Foundation walls shall be no less than eight-inch block, which, if the same are to be backfilled against, shall have concrete poured at least every four feet. A recommendation of 12-inch block is made for extensive areas requiring backfill. Six-inch block can be used for the brick offset but not to extend more than 12 inches below the backfill.

   b. Sills are to be constructed of pressure-treated materials.

   c. All crawl space shall be a minimum of 24 inches above grade and vented every eight to ten feet at a minimum.

   d. Floor framing shall be two inches by eight inches on 16-inch centers to a maximum of 12 feet; any longer spans shall be at a minimum of two by ten feet or a truss system.

   e. Subflooring shall be "Va" plywood or OSB if on 16-foot centers with at least three-quarter-inch total if carpet or vinyl is to be used; five-eighths-inch subfloors shall be required if hardwood floors are to be used.

f. All outside walls and loadbearing walls shall be framed with two-inch by four-inch material on 16-inch centers.

g. All outside walls and loadbearing walls shall be double plated.

h. All loadbearing headers shall be at least double, two inches by ten inches.

i. All rafters shall be at least two inches by six inches to a maximum span of 16 feet; with two inches by eight inches being required if the span is greater than 16 feet. (Span charts are available at building supply centers.)

j. Decking shall be a minimum of V2%^{1N} L ⅛⅝-^{N} L%^{C} R^{L} F with H clips required on two-foot centers.

k. All roofs are to be properly vented.

l. All decking shall be made of materials labeled for exterior use and are to be secured or bolted at least every four feet and by at least three 40-penny nails every 16 inches. All decking shall be properly flashed.

m. Rough-in plumbing shall be inspected to ascertain adequate fall.

(3) *Electrical.*

a. Rough-in inspection shall be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.

b. Final inspection shall be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

c. The building inspector shall inspect the site within 24 hours of the request or at the inspector's earliest appointment date.

(4) *Plumbing.*

a. Underground inspection shall be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place. This inspection is optional.

b. Rough-in inspection shall be made after the roof, framing, fire blocking and bracing are in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes. This inspection shall include a pressure test, which shall be performed by the contractor.

c. No water pipes are to be installed in the outside walls except for those servicing outside facets.

d. The building inspector shall inspect the site within 24 hours of the request or at the inspector's earliest appointment date.

(5) *Mechanical.*

a. Rough-in inspection shall be made after the roof, framing, fire blocking and bracing are in place and all ducting and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

b. Final inspection shall be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

c. The building inspector shall inspect the site within 24 hours of the request or at the inspector's earliest appointment date.

(6) *Gas.*

a. Gas fuel installation shall follow the National Fuel Gas Code, NFPA pamphlet 54/57/58.

b. A gas check form shall be placed on file with the building inspection department following completion of the installation.

c. The building inspector shall inspect the site within 24 hours of the request or at the inspector's earliest appointment date.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-193. Written release.

(a) Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building inspector. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

(b) Reinforcing steel, structural frame, insulation, or plumbing work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building inspector.

(c) In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building inspector after all lathing and backing is in place. Plaster shall not be applied until the release from the building inspector has been received.

(Ord. of 10-13-2008, art. C, § 6)

Secs. 10-194—10-224. Reserved.

DIVISION 7. CERTIFICATES OF OCCUPANCY AND COMPLETION

Sec. 10-225. Required.

A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy. The certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and articles and released by the building official.

Sec. 10-226. Inspections prior to issuance.

The building inspector shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, or electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-227. Issuance.

Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per

square foot for each floor in accordance with the provisions of the technical codes. The fee for issuance of the certificate shall be as set forth in the city's fee schedule.

Sec. 10-228. Temporary partial occupancy.

A temporary partial certificate of occupancy may be issued for a portion of a building that may safely be occupied prior to final completion of the building. Certificates issued pursuant to this section shall be valid for a period of 30 days from the date of issuance.

Sec. 10-229. Existing building occupancy.

A certificate of occupancy for any existing building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, in the opinion of the building official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and articles for such occupancy, a certificate of occupancy shall be issued.

Sec. 10-230. Certificate of completion.

Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building such as a shell building prior to the issuance of a certificate of occupancy.

Secs. 10-231—10-253. Reserved.

DIVISION 8. SERVICE UTILITIES

Sec. 10-254. Connection.

No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required until released by the building official and a certificate of occupancy or completion is issued.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-255. Temporary connection.

The building official may authorize the temporary connection of the building or system to utilities for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

Sec. 10-256. Authority to disconnect.

The building official shall have the power to authorize disconnection of utility service to the building, structure of system regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking

such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. of 10-13-2008, art. C, § 6)

Sec. 10-257. Building permit rates.

Rates for building permits shall be as provided in the city fee schedule.

Secs. 10-258—10-275. Reserved.

ARTICLE IV. PROHIBITED STRUCTURES

DIVISION 1. GENERALLY

Sec. 10-276. Unsafe buildings or systems.

All buildings, structures, or electrical, gas, mechanical or plumbing systems which are unsafe or unsanitary, which do not provide an adequate egress, which constitute a fire hazard, which are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of article IV, chapter 36.

(Ord. of 10-13-2008, art. A, § 5(5))

Secs. 10-277—10-300. Reserved.

DIVISION 2. GARAGES AND SERVICE STATIONS

Sec. 10-301. Building of garages and service stations regulated.

It shall be unlawful to erect, build, construct or maintain any filling station, service station, gasoline station or garage or place of repairing, servicing, washing or ~~in any~~ otherwise working on~~wise~~ working on automobiles or other machinery within 100 feet of the public square in the city.

(Comp. Ords. 1970, § 8-118; Ord. No. 2026-01, 6-15-2026)

Sec. 10-302. Existing structures exempt.

The provisions of this division shall not apply to any such structure or building in existence on the date of passage of the ordinance from which this article is derived except in the event of change of occupancy or removal of the structure.

(Comp. Ords. 1970, § 8-120)

Secs. 10-303—10-324. Reserved.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 10-325. Building inspection department.

(a) There is established the city building inspection office. This office shall be staffed as prescribed by the mayor and council.

(b) The mayor and council shall appoint the building inspectors and staff. Said individuals shall serve at the pleasure of the mayor and council. The compensation paid to said individuals shall be set by the members of the mayor and council. In the event that a building code inspector is not available, an elected member of the mayor and council may act as said inspector.

(c) The building inspector, his department, and code enforcement officers shall be responsible for the enforcement of the provisions contained in this chapter.

(d) The building inspector shall keep or cause to be kept a record of the business of the department. The records of the department shall be open to public inspection.

(e) Any employee charged with the enforcement of this chapter, acting on the behalf of the city in the discharge of his duties, shall not thereby render ~~himself~~ personally liable and is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of ~~his~~ duties.

(Ord. of 10-13-2008, art. A, §§ 1—3; Ord. No. 2026-01, 6-15-2026)

Sec. 10-326. Powers and duties of the building inspector and code enforcement officers.

(a) *Generally.* The building inspector, his department and code enforcement officers are hereby authorized and directed to enforce the provisions of the technical codes. The building inspector and his department are further authorized to render interpretations of the technical codes, which are consistent with their intent and purpose.

(b) *Right of entry.*

(1) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building inspector has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, or electrical, gas, mechanical or plumbing system unsafe, dangerous or hazardous, the building inspector may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building inspector by these technical codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such

building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or the person having charge or control of such and request entry. If entry is refused, the building inspector shall have recourse to every remedy provided by law to secure entry.

(2) When the building inspector and code enforcement officers shall have first obtained a proper administrative search warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building inspector for the purpose of inspection and examination pursuant to this article and for regulatory purposes.

(c) *Stop work orders.* Upon notice from the building inspector, work on any building, structure, or electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. In no case may work be resumed without the prior approval of the building inspector. Where any emergency exists, the building inspector shall not be required to give a written notice prior to stopping work.

(Ord. of 10-13-2008, art. A, §§ 5(1)—5(3); Ord. No. 2026-01, 6-15-2026)

Sec. 10-327. Administration by building inspection department; duties.

In carrying out its duties under this chapter, the building inspection department shall have the following specific duties, in addition to such other duties as may be assigned from time to time by the city council:

(1) The building inspection department shall receive ~~applications~~applications, and issue permits and certificates required by this chapter.

(2) The building inspection department shall enforce all laws relating to the construction, alteration, repair, installation, erection, removal, demolition, use, location, and maintenance of properties, buildings, equipment, appliances, or systems, except as may be otherwise provided for in other ordinances or regulatory measures.

(Ord. No. 2026-01, 6-15-2026)

Sec. 10-328. Coordination of enforcement.

(a) Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the building inspection department.

(b) Wherever, in the opinion of the director, it is necessary or desirable to have inspections of any condition by any other building inspection department, the director shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders.

(c) An order for correction of any violation under this chapter shall not be issued without the approval of the director, who shall have the responsibility before issuing any such order to determine that it has the concurrence of any other building inspection department or official of the government concerned with any matter involved in the case in question.

Sec. 10-329. Civil liability.

No officer or member of the city council or employee of the city charged with the enforcement of this chapter in the discharge of duties shall be rendered liable personally, and such officer, member, or employee is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this chapter.

Sec. 10-330. Contents and service of notice.

(a) The notice shall include the following:

(1) An enumeration of conditions which the building inspection department has determined are in violation of this article;

(2) An enumeration of remedial action required for each determined violation;

(3) A specified period of time within which such remedial action shall be completed, such period of time for completion to be determined by the building inspection department as the period of time reasonably required under the known circumstances for the completion of the remedial action;

(4) A statement adequate to notify the person served that a failure to comply with the provisions of this article within the time specified in the notice is unlawful and the penalty for such failure.

(b) A copy of such notice shall be filed in the office of the director.

(c) Notice shall be deemed perfected if served upon the owner or occupant, as may be appropriate, in person or by certified mail with return receipt attached and posting of a copy of the notice upon the property.

(d) Whenever the building inspection department determines that property, buildings, systems, appliances, or equipment, or any work in connection therewith that is covered by this chapter is being erected, installed, altered, repaired, stored, maintained, or demolished in violation of this chapter, the building inspection department shall serve a written notice or order upon the person responsible therefore directing the discontinuance of such illegal action and the remedying of the condition that is in violation.

(e) A purchaser, transferee, lessee, or mortgagee who has actual or constructive knowledge of the issuance of a notice shall be bound by such notice as of the date of such sale, transfer, lease, or mortgage.

Sec. 10-331. Inspections.

(a) Inspections required under the provisions of this chapter shall be made by the building inspection department. Upon evidence of probable cause and presentation of proper credentials, authorized agents of the building inspection department may enter, at reasonable times, any building, structure, or premises in the city in order to enforce this chapter.

(b) Any property, building, equipment, appliance, or system installed, constructed, erected, altered, repaired, maintained, or used in the city shall be subject to inspection by the building inspection department.

(c) No official or employee of the building inspection department making inspection of properties for the purpose of determining the necessity for repairs or corrections shall have any financial interest, directly or indirectly, in any repairs or corrections which may be required by this chapter.

Sec. 10-332. Inspection warrant.

(a) The building inspection department, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this chapter. The warrant shall authorize the director or agents

thereof to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this article.

(b) Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that all of the following conditions are met:

(1) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.

(2) The issuing judge must determine that the issuance of the warrant is authorized by this article.

(c) The inspection warrant shall be issued only if it meets all of the following requirements:

(1) The warrant is attached to the affidavit required to be made in order to obtain the warrant.

(2) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.

(3) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.

(4) The warrant refers, in general terms, to the provisions sought to be enforced.

Sec. 10-333. Placarding premises.

(a) The building inspection department may place a dated and signed placard on property which is in violation of this chapter and notify the owner of such property by certified mail, return receipt requested, to the owner's last known address that the building has been placarded. Such notice shall specify the reason therefor and the owner's right of appeal as provided in this chapter. Such placard shall contain the following words: "The city has declared this building dangerous and unfit for human habitation. The use or habitation of this building is prohibited and unlawful."

(b) It shall be unlawful for a person to occupy the dwelling, structure, or premises or for an owner to allow occupancy of a dwelling, structure, or premises which has been placarded if such dwelling, structure, or premises is or becomes vacant after placarding or, in all events, within 60 days from the date of placarding unless the violation has been corrected.

(c) The posting of the placard and the recording of same in the records of the building inspection department shall be notice to the general public that it is unlawful for any owner to allow the dwelling or structure to be occupied, as provided herein. No further notice shall be required to be given to any subsequent owner.

(d) It shall be unlawful to deface, alter, destroy, cover, or remove such placards. The building inspection department shall remove the placards when compliance with this article has been effected.

Sec. 10-334. Records.

The building inspection department shall keep comprehensive records of applications received, permits and certificate issued, inspections made, reports rendered, and notices or orders issued. All such records shall be open to public inspection at office hours observed by the building inspection department but shall not be removed from the office of the director.

Sec. 10-335. Stopping work.

Whenever the building inspection department determines defective or illegal work is performed in violation of a provision or requirement of this chapter, it shall order, in writing, all further work to be stopped until such defective or illegal work is corrected.

Sec. 10-336. Failure of owner to correct; abatement by city; lien on property.

(a) In the event the owner or parties in interest fail to comply with an order to vacate and close or repair or demolish the dwelling, building, or structure and clean the premises, or remedy any other condition found to exist in violation of this chapter or any other relevant ordinance of the city, the city may cause such dwelling, building, or structure to be repaired, altered, improved, to be vacated and closed, or demolished, or the conditions existing in violation abated as provided in said order.

(b) If the city 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 city and its personnel shall have no liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

(c) The amount of the cost of correction of the violation, including, but not limited to, demolition, and including all court costs, appraisal fees, administrative costs incurred by the city, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after any demolition, shall be a lien against the real property upon which such cost was incurred.

(d) Enforcement of liens pursuant to this chapter may be initiated at any time following receipt by the city tax collector of the final determination of costs. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this chapter.

Secs. 10-337—10-357. Reserved.

ARTICLE VI. APPEALS

Sec. 10-358. Public forum; quorum; duties of clerk; powers of mayor and council.

(a) Appeals will be heard at a public forum with the mayor and city council.

(b) A simple majority of the mayor and council shall constitute a quorum. In varying any provision of this article, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building inspector, not less than three affirmative votes, but not less than a majority of the board, shall be required.

(c) The city clerk shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

(d) The mayor and city council shall have the power to hear the appeals of decisions and interpretations of the building inspector and to consider variances of the technical codes.

(Ord. of 10-13-2008, art. P(1)—(4))

Sec. 10-359. Decision of the building inspector.

The owner of a building, structure or service system or his duly authorized agent may appeal a decision of the building inspector to the mayor and city council whenever any one of the following conditions are claimed to exist:

(1) The building inspector rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

(2) The provisions of this chapter do not apply to this specific case.

(3) An equally good or more desirable form of installation can be employed in any specific case.

(4) The true intent and meaning of this chapter or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

(Ord. of 10-13-2008, art. P(5)(a))

Sec. 10-360. Variances.

(a) *Factors considered in granting.* The mayor and city council, when so appealed to and after a hearing, may vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this code or the technical codes or public interest, and also finds all of the following:

(1) Special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

(2) Such special conditions and circumstances do not result from the action or inaction of the applicant.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other buildings, structures or service systems.

(4) The variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

(5) The grant of the variance will be in harmony with the general intent and purpose of this chapter and will not be detrimental to the public health, safety and general welfare.

(b) *Conditions.* In granting the variance, the mayor and city council may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the mayor and city council may prescribe appropriate conditions and safeguards in conformity with this chapter. Any variance which is granted by the mayor and city council shall be for only that specific matter which is presented to the board and shall not apply to other situations or circumstances which are not before the mayor and city council. Any applications for a variance must be presented to the mayor and city council on a case-by-case basis. Violation of the conditions of a variance shall be deemed a violation of this chapter.

(c) *Notice of appeal.* Notice of appeal shall be in writing and filed within 15 calendar days after the decision is rendered by the building inspector. Appeals shall be in a form acceptable to the building inspector.

(d) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure or service system which, in the opinion of the building inspector, is unsafe, unsanitary or dangerous, the building inspector may, in his order, limit the time for such notice of appeals to a shorter period.

(Ord. of 10-13-2008, art. P(5)(b))

Sec. 10-361. Procedures of mayor and city council.

(a) *Rules and regulations.* The mayor and city council shall establish rules and regulations for its own procedure not inconsistent with the provisions of this chapter. The mayor and city council shall meet on call of the chairman. The mayor and city council shall meet within seven calendar days after notice of appeal has been received.

(b) *Decisions.* The mayor and city council shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the mayor and city council shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order or disallowance of the building inspector or varies the application of any provision of this chapter, the building inspector shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building inspector and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the building inspector for two weeks after filing. Every decision of the mayor and city council shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

(Ord. of 10-13-2008, art. P(7)(a), (b))

ARTICLE VII. MOBILE AND MANUFACTURED HOMES[6]

Sec. 10-381. Definitions.

When used in this article, the following words or phrases shall have the meanings given in this section. Terms not defined herein shall have their customary dictionary definitions where not inconsistent with the context, or as set forth in a previous resolution. The term "shall" is mandatory; the word "may" is permissive. Words used in the singular include the plural and those used in the plural include the singular.

Mobile or *manufactured home*. A single-family structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401 et seq. Administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode, is eight body feet wide and 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-382. Federal standards.

(a) In addition to the other regulations hereinafter set out, each newly installed mobile or manufactured home in the city shall conform to the minimum construction standards required by the United States Housing and Urban Development Department before that mobile or manufactured home is entitled to receive any utility

[6]Editor's note(s)—Ord. No. 2010-04, Exh. A, adopted Aug. 9, 2010, set out provisions intended for use as §§ 34-52—34-61. For purposes of classification, and at the city's direction, these provisions have been included as §§ 10-381—10-390.

service to such unit. It is the intent of this section to prohibit moving mobile or manufactured homes into the city that do not conform to the applicable United States 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 United States Housing and Urban Development Department and has been inspected by the city building inspection department as to the criteria hereinafter set out.

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-383. Permit requirements.

A permit shall be issued under this article under all circumstances. A septic tank permit must be obtained from the White County Health ~~Department~~Department, or the facility is connected to the City of Cleveland sewage system. All mobile homes being moved into the city shall conform to all permitting requirements.

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-384. Payment of current taxes.

No mobile or manufactured home permit will be issued unless proof of payment of current year's taxes is provided for the land upon which it will be situated and on the mobile or manufactured home itself.

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-385. Certificate of occupancy.

No person may occupy a home described in this article after September 2, ~~1997~~1997, without a certificate of occupancy issued by the city building inspection department. A certificate of occupancy shall be issued within five working days after satisfactory final inspection by the city building inspection department. 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. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-386. 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 article and a mobile or manufactured home that is located in this city and was manufactured prior to United States Housing and Urban Development Department standards may be transferred to a city 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.

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-387. Inspection checklist for location of mobile homes in the city.

All used mobile or manufactured homes being located in the city under this article must meet the following regulations:

(1) *Electric:*

a. All light fixtures must be in good condition to work properly;

b. Plugs and switches must be installed and have cover plates in place;

c. No loose wiring will be permitted;

d. Panel box must meet NEC regulations;

e. Mobile or manufactured home must be checked underneath for any violations as to wiring or installation;

f. Smoke alarms must be installed and working properly;

g. All applicable NEC codes, 2008 edition or revision, must be adhered to.

(2) *Plumbing:*

a. Fixtures must be installed and working properly;

b. Water and drain lines must be free of leaks;

c. Water heater must be in good condition and installed properly;

d. Must meet all applicable standard plumbing codes, 2006 edition or revision.

(3) *HVAC—Heating system:*

a. Venting, if required on heat unit, must be properly installed and working properly;

b. Grills must be installed properly;

c. Only heating systems allowed by standard mechanical code shall be acceptable;

d. Must meet all applicable standard mechanical codes, 2006 edition or revision.

(4) *Mobile or manufactured home unit:*

a. Glass must be in doors and windows;

b. Doors must open and close properly;

c. No missing doors or windows will be allowed;

d. Roof must be in good condition with no leaks;

e. Floor must be in good condition with no holes or decay;

f. Ceilings must be in good condition with no missing drywall or other materials;

g. Outside of unit must not have missing metal sheets, panels, siding, etc.

h. Any major damage which occurs from removing decks and porches must be repaired;

i. Any kitchen appliances must pass applicable electric/plumbing codes and to installation and condition;

j. 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;

k. All applicable standard building codes must be adhered to;

l. Must have the appropriate housing and urban development decal affixed.

Note: Newly manufactured units that have never been used must be verified as such by manufacturer.

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-388. Installation requirements.

In addition to the other requirements set out herein, all mobile or manufactured homes located in the city, including new units, must be installed according to the following regulations before any certificate of occupancy can be issued:

(1) Must obtain footer inspection before pouring of concrete;

(2) Must meet all standard building code requirements according to manufacturer as to set up, including appropriate tie-downs, sewer and water connections, piers, porches, decks and skirting;

(3) Must have appropriate skirting or underpinning as required by code and manufacturer; however, if the height from the ground to the bottom of the unit frame will average more than 36 inches after set up, concrete block shall be used for underpinning;

(4) Must meet all standard building codes and requirements of manufacturer for porches at all entrance and exit doors.

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-389. Inspections outside the city.

Mobile or manufactured homes can be moved into the city only after passing an inspection on all requirements hereinabove set out. These inspections outside the city shall be:

(1) Limited to a 50-mile radius of Cleveland, Georgia, with none accepted outside this radius;

(2) Inspections to be conducted by the city building inspection department;

(3) Scheduled by building inspector; and

(4) Fees shall be as provided in the fee schedule adopted pursuant to Chapter 24, including the current Internal Revenue Service mileage reimbursement rate. Such fees are in addition to applicable mobile home building permit and inspection fees. One reinspection outside the city may be performed at the applicable mileage rate; any additional inspections shall require payment of the applicable inspection and mileage fees.~~Subject to the following fees: $500.00 inspection fee plus $0.48 per mile or as provided the Internal Revenue Department. These fees are in addition to the building permit fee schedule for mobile homes, which includes inspection fees on mobile homes after being located inside the city. If needed, one re-inspection may be performed by the building inspector outside the city at a cost of $0.48 per mile or as provided the Internal Revenue Department; however, if other inspections are requested, another inspection fee of $500.00, plus $0.48 per mile or as provided the Internal Revenue Department.~~

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Sec. 10-390. Violations.

Any person violating the provisions of this article shall be deemed guilty of an offense and upon conviction thereof shall be punished by the Municipal Court of the City of Cleveland. Such person shall be guilty of a separate offense for each and every day during which any violation of any provision of this article is committed, continued or permitted by that person and shall be punished up to $1,000.00 per day for the violation.

(Ord. No. 2010-04, Exh. A, 8-9-2010)

Secs. 10-391—10-399. Reserved.

ARTICLE VIII. DEMOLITION OF BUILDINGS[7]

Sec. 10-400. Permit required.

The demolition of any structure shall require a permit, which has been reviewed and approved by the department of building and code enforcement in conformance with this article. Nothing contained within this article shall limit the authority of the director of building and code enforcement to order a structure demolished in a life or health threatening emergency situation or as may be otherwise authorized by state statute, other city ordinance, or common law.

(Ord. No. 2011-19, 12-12-2011)

Sec. 10-401. Definitions.

(a) For the purposes of this article, the term *demolition* shall mean the razing and removal of all or substantially all of a structure.

(b) For the purposes of this article, the term *accessory structure* shall mean a structure which is subordinate to and serves a principle structure; is subordinate in area, extent and purpose to the principle structure; contributes or has contributed to the comfort, convenience or necessity of the principle structure, and is located on the same parcel of property as the principle structure.

(c) For the purposes of this article, the term *structure* shall mean any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, which is affixed to the land.

(d) For the purposes of this article, the term *principal structure* shall mean the building in which the principal or primary use on the lot is conducted.

(Ord. No. 2011-19, 12-12-2011)

[7]Editor's note(s)—Ord. No. 2011-09, adopted Dec. 12, 2011, set out provisions intended for use as Article VII. To avoid duplication of article numbers, and at the editor's discretion, these provisions have been included as Article VIII.

Sec. 10-402. Application.

(a) *Principal structure.* In order to obtain a building demolition permit for the demolition of any principal structure, a permit application form must be completed and submitted to the director of building and code enforcement. The building demolition permit application must include the following information:

(1) Location of property; legal description; legal owner of property.

(2) Plat of survey for the property.

(3) Plan identifying structure(s) to be demolished.

(4) Specific plans for the reuse of the property if the demolition permit is approved. If the reuse plan contemplates construction of a structure, an application shall include building plans and specifications prepared in compliance with the provisions of this chapter for any structure to be built on the subject property. If commencement of construction of such structure is not planned to occur within 60 days after completion of demolition, then the application also shall include a detailed site restoration plan as provided in section 10-402(a)(5).

(5) *Site restoration plans and specifications.* If commencement of construction of a new structure is not planned to occur within 30 days after completion of demolition, then the application shall include a detailed site restoration and maintenance plan depicting all work required to restore the subject property, within 30 days after completion of demolition, to a safe, clean condition until construction of a new structure has commenced, including without limitation backfilling of any excavation, grading, seeding, fencing, storm water management, utility disconnections and the like.

(6) *Storm water management plans.* In addition to all other required plans and specifications, the application shall include detailed plans and specifications for storm water management, soil erosion control, and grading on the subject property if new construction is commenced. Such plans and specifications shall be on a drawing or drawings separate from all other plans and specifications, labeled as "storm water management plans." Such plans and specifications shall be made in conformance with the requirements of the city's storm water management ordinance.

(7) The building and code enforcement department shall not consider any application for a principal structure unless the applicant furnishes all information required by this article.

(8) *Utility disconnect plan.* A utility disconnect plan shall be submitted which identifies the location of all utilities. Cleveland Public Works must be contacted for water and sewer disconnects *before* demolition begins.

(9) *Traffic control.* The applicant may be required to provide traffic control. The Georgia Department of Transportation may need to be contacted before demolition for those properties located on state routes.

(b) *Accessory structure.* Demolition permit applications for accessory structures must be submitted to the director of building and code enforcement. Demolition permit applications for accessory structures must be submitted along with information identified in section 10-402(a)(1) through (5), and (9).

(c) *Interior demolition.* Demolition permit applications for interior demolition (except single-family structures) must include a description of the demolition work and a floor plan identifying the location demolition including any structural components scheduled for demolition.

(Ord. No. 2011-19, 12-12-2011)

Sec. 10-403. Hazardous structure.

Whenever the director of building and code enforcement, the city manager, or other city official designated to be in charge of enforcing the city's building code, determines that a residential, commercial, industrial, or other structure is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested ("hazardous structure") that it creates a serious hazard to the health and safety of the community, then that city official may placard the hazardous structure with a notice of demolition, repair or enclosure. The notice shall be dated as of the date of the posting and shall state that unless the hazardous structure is demolished, repaired, or enclosed, or unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials ("hazardous materials") are removed so that the serious hazard to the health and safety of the community no longer exists, then the hazardous structure may be demolished, repaired, or enclosed, or any hazardous materials may be removed by the city. Such notice shall be posted on the front of the hazardous structure.

(1) *Notice*. Within 30 days of the posting of the notice of demolition, repair or enclosure, the city shall:

a. Send a notice by certified mail, return receipt required, to all owners of record of the property, to the beneficial owners of any state land trust having title to the property, and to all lien holders of record in the property, stating that it is the intent of the city to demolish, repair, or enclose the hazardous structure or remove any hazardous materials if that action is not taken by the owner or owners; and

b. Provide constructive notice by publishing notice in a newspaper published or circulated in the city setting forth:

1. The permanent tax index number and the address of the hazardous structure;

2. A statement that the property constitutes a serious hazard to the health and safety of the community; and

3. A statement that the city intends to demolish, repair, or enclose the hazardous structure or remove any hazardous materials if the owner or owners or lien holders of record fail to do so. This notice shall be published in the legal organ of White County.

(2) *Objection*. A person objecting to the proposed actions of the city may file his or her objection in an appropriate forum in the Ninth Judicial Circuit Court, White County Georgia.

(3) *Demolition or remedial action.* If the hazardous structure is not demolished, repaired, or enclosed, or if the hazardous materials are not removed within 30 days of mailing the notice to the owners of record, to the beneficial owners of any state land trust having title to the property, and to all lien holders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the city shall have the right and power, but not the obligation, to demolish, repair, or enclose the hazardous structure or to remove any hazardous materials.

The city may proceed to demolish, repair, or enclose a hazardous structure or remove any hazardous materials under this division anytime within a 90-day period following the date of the mailing of the notice. If any person seeks a judicial hearing and has served a copy of the complaint on the city before the city proceeds with the authorized actions set forth in this division, then the city shall not proceed with the demolition, repair, enclosure, of the hazardous structure or removal of hazardous materials until the court issues an order authorizing the city to do so.

(4) *Lien*. Following the demolition, repair, or enclosure of a hazardous structure, or the hazardous materials under this chapter, the city may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, including attorney's and consultant fees, in the office of the county recorder of deeds.

The notice of lien shall consist of a sworn statement setting forth:

a. A description of the real estate such as the address or other description of the property, sufficient for its identification;

b. The expenses incurred by the city in undertaking the remedial actions authorized under this division;

c. The dates the expenses were incurred by the city;

d. A statement by the city official responsible for enforcing the building code that the structure constituted a serious hazard to the health and safety of the community;

e. A statement by the city official that the required sign was posted on the structure, that notice was sent by certified mail to the owners of record, and that constructive notice was published in accordance with this division; and

f. A statement as to when and where the notice was published.

(Ord. No. 2011-19, 12-12-2011)

Sec. 10-404. Emergency demolition.

(a) *Immediate danger.* Where the director of building and code enforcement, the city manager or other city official designated to be in charge of enforcing the city's building code determines that a residential, commercial or industrial structure has been so damaged by a catastrophic event as to constitute an immediate danger or threat to persons or adjacent properties, and further determines that it would be impractical to enclose the structure itself to eliminate the immediate danger or threat, city official shall placard the structure with either a notice of perimeter enclosure or demolition and undertake reasonable steps to promptly notify the owner of the necessity of the erection of a perimeter enclosure or demolition a perimeter enclosure shall mean the erection of a cyclone or similar fence on the lot on which the damaged structure is located which is of sufficient strength, permanency and location to stop the entry of unauthorized persons to the lot and/or the structure pending further action. If the owner cannot be found, or refuses to erect the perimeter enclosure so as to eliminate the immediate danger or threat to persons or adjacent properties or cannot be found within a reasonable period of time due to the nature of the danger or threat the city official shall have the right and power, but not the obligation, to eliminate the immediate danger or threat by erecting a perimeter enclosure as described by this division or if such perimeter enclosure is not adequate to respond to the eminent danger or threat to persons or adjacent properties the city official may demolish the structure. If any person seeks a judicial hearing and has served a copy of the complaint on this city before the city proceeds with authorized actions set forth in this section then the city shall not proceed with the secure perimeter enclosure or demolition until a court issues an order that authorizes the city to do so.

(b) *Lien*. Following the erection of perimeter enclosure or demolition, the city may file a notice of lien against the real estate for the cost of the erection of the perimeter enclosure or demolition within 180 days after the erection of the perimeter enclosure or demolition of the structure for any and all costs and expenses incurred by the city attorneys and consultants' fees in the office of the county recorder of deeds.

The notice of lien shall consist of a sworn statement setting forth:

(1) A description of the real estate such as the address or other description of the property, sufficient for its identification;

(2) The expenses incurred by the city in undertaking the remedial actions authorized under this division;

(3) The dates the expenses were incurred by the city;

(4) A statement by the city official responsible for enforcing the building code that the structure constituted an eminent danger or threat to persons or adjacent properties;

(5) A statement by the city official that the required sign was posted on this structure and a description of service of the notice or the attempts to serve notice upon the owners.

(Ord. No. 2011-19, 12-12-2011)

Sec. 10-405. Procedures for permit approval.

(a) *Application review.* The building and code enforcement department will be responsible for the processing and review of any building demolition permit application. As part of the review process, an inspection of the property may be performed by the building and code enforcement department.

(b) *Notification*. A general sign shall be placed on the subject property by the city.

(Ord. No. 2011-19, 12-12-2011)

Sec. 10-406. Review standards, requirements.

(a) *General standards.* The building and code enforcement department will review all building demolition permit applications in accordance with this article and the ordinances of the city, together with the following standards:

(1) The granting of a permit shall not be detrimental to the public health, safety, and general welfare of the community.

(2) Adequate utilities, access ways, drainage, and other necessary facilities must be provided in order for a permit to be granted.

(3) The granting of the permit should promote the policies contained in the city's comprehensive plan, and the use of the subject property should be consistent with the designated comprehensive plan land use.

(4) Any new structure or use to be constructed on the subject property must conform to the applicable requirements of this Code and the city-zoning ordinance, except as may be varied in accordance with zoning ordinance regulations.

(5) *Meeting requirement.* Prior to the issuance of a demolition permit, a meeting shall be conducted between city director of building and code enforcement or his designee and the demolition contractor to review the requirements for demolition.

The building and code enforcement department may also impose such conditions and restrictions upon the issuance of the permit as may be necessary in order to comply with the standards recited in this article.

(b) *General requirement.* If a building demolition permit application is approved by the building and code enforcement department, any demolition which takes place shall be done in accordance with the provisions of the ICC International Building Code in force at the time, the requirements of this Code, and any additional requirements or conditions as placed on the applicant by the city building and code enforcement department. The applicant shall also be required to submit to the city proof of disconnection of utilities prior to commencing demolition of the building.

(c) *EPA approval.* If the application includes demolition of a building subject to state environment protection agency (the "EPA") regulations, the demolition permit application to the city shall include completed copies of any applications or other documents required by the EPA.

(d) All principal structures, accessory structures and structures proposed for demolition shall be examined by ~~an~~a state-licensed asbestos building inspector at the ~~owners~~owner's expense who shall inspect all accessible areas of the dwelling proposed for demolition to determine if asbestos containing building materials are present. The inspection shall include, but not be limited to, pipes, beams, walls, ceilings, floors, furnace, boiler, water storage tanks, wall panels, insulation, siding, roofing and other potential asbestos containing materials. A copy of the inspector's license and report certifying the condition of the premises shall be submitted with the demolition permit application. In the event that suspect asbestos is found at the property, laboratory testing shall be performed, and if regulated friable asbestos material is present, removal and disposal of the asbestos shall be undertaken in conformance with all applicable laws, rules and regulation. Any plan for removal and disposal shall be confirmed in a report submitted to the city by the applicant's state-licensed asbestos building inspector. The city director of building and code enforcement may in his/her discretion submit the findings of any such inspector for review by an environmental consultant of its choice prior to approval of demolition permit. The review costs by any environmental consultant retained by the city shall be paid by the demolition permit applicant prior to issuance of the demolition permit.

(e) *Safety fencing.* Fencing shall be installed as required by city code. Such fencing shall be removed no later than the completion of restoration as required by subsection (g) of this section. Required restoration or rough grading, when allowed by the code official, shall be completed no later than 45 days after completion of the demolition.

(f) *Restoration*. If construction of a new principal structure has not commenced within 30 days of demolition, the property shall be restored within 15 ~~days thereafter~~days . Restoration of the property shall include without limitation: permanent disconnection of sewer and water at mains, final grading and seeding, the removal of dangerous conditions, rubbish and debris, restoration of damaged public property and removal of safety and tree protection fencing. If weather does not ~~allows~~allow final grading and seeding the code official may allow rough grading until weather conditions permit final grading. Slit fencing and other storm water measures shall remain in place in accordance with city storm water ordinance.

(g) The city shall have the right at all times, enact a lien on the property for the costs, including legal fees, labor and administrative expenses, incurred or to be incurred by the city in exercising any of its rights under this article in the event the applicant undertakes any work in violation of any provisions of this article or of any permit issued or plan approved pursuant to this article, or the applicant fails or refuses to complete any work authorized by any permit issued under this article in accordance with all plans approved in connection with said permit.

(h) *Notification of demolition activities.* The person/entity obtaining a demolition permit shall contact the city building and code enforcement department at least one business day prior to the commencement of any approved demolition activities and identify the date(s) and time(s) of all scheduled demolition. In the event that the schedule is altered in any way, the city shall be provided notice of any and all such alterations, at least one business day prior to the alteration, in the same manner provided herein. The person/entity referenced above shall also notify the city on the day that demolition has been completed, in the same manner ~~provide~~provided herein. A failure to comply with this section results in a separate violation for each day in which demolition activities proceed without proper notice.

(i) One brightly colored placard shall be provided by the city and posted in a conspicuous location by the permit holder or property owner. The placard shall identify the scheduled date of the demolition and shall be posted no more ~~that~~than ten days prior and not less than three days prior to the scheduled demolition date.

(j) *Portable toilet.* During demolition, the site shall be provided with portable temporary restroom facilities. The location of the portable toilet(s) shall be located as close to the center of the lot as possible and away from the adjacent ~~properties, and~~properties and shall not be placed on city or state right-of-way, including but not limited to, parkways or sidewalks.

(Ord. No. 2011-19, 12-12-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 10-407. Fees.

(a) A nonrefundable fee shall be required for a building demolition permit, and the fee must be submitted with the building demolition permit application required by section 10-402. The permit fee for a demolition permit involving a structure shall be $50.00 base fee, plus $0.12 per square footage of building(s) to demolish.

(b) Permit fees as required by other codes and ordinances of the city may also be required.

(c) Labor and material fees will be charged to cap the water and/or sewer lines, Rates will be ~~determine~~determined after review of the proposed demolition.

(Ord. No. 2011-19, 12-12-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 10-408. Penalty for violation of article.

If any structure is demolished without complying with this article:

(1) The owner of the subject property, demolition permit applicant and any other person or entity participating in any demolition activities on the subject property, including those involved in particulate control, shall each be subject to a separate fine in accordance to section 1-16 of the Cleveland Code of Ordinances; and

(2) Until the owner of the subject property pays any and all fines for violations of the provisions of this article, no building permits shall be issued for the construction of any improvement on the subject ~~property~~property, and any active permits shall be suspended.

(Ord. No. 2011-19, 12-12-2011; Ord. No. 2026-01, 6-15-2026)

Secs. 10-409—10-499. Reserved.

ARTICLE IX. UNFIT BUILDINGS AND STRUCTURES

Sec. 10-500. Short title.

This article shall be known as Article IX, Unfit Buildings and Structures Ordinance, and made part of Chapter 10, Buildings and Building Regulations.

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-501. Definitions.

As used in this article, the term:

Applicable codes means any optional housing or abatement standard provided in O.C.G.A. tit. 8, ch. 2 as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; any fire or life safety code as provided for in O.C.G.A. tit. 25, ch. 2; and any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. tit. 8, ch. 2 after October 1, 1991, provided that such building

or minimum standard codes for real property improvements shall be deemed to mean those building or minimum 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. tit. 16, ch. 13, art. 2, 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. As used in this article, 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 City Council of the City of Cleveland, Georgia.

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

Interested party means:

(1) The "owner";

(2) Persons in possession of said property and premises;

(3) 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;

(4) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; and

(5) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the municipality or records maintained in the county courthouse or by the clerk of court; provided, however, 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.

Municipality means the City of Cleveland, Georgia.

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

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

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

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

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

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-502. Duty of owners of real property and structures thereon.

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

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-503. Declaration of public nuisance.

Every dwelling, building or structure within the city which: (i) is constructed or maintained in violation of applicable codes in force within the city; (ii) is unfit for human habitation or commercial, industrial or business use or occupancy due to inadequate provisions for ventilation, light, air, sanitation, or open spaces; (iii) poses an imminent harm to life or other property due to fire, flood, hurricane, tornado, earthquake, storm or other natural catastrophe; (iv) is vacant and used in the commission of drug crimes; (v) is occupied and used repeatedly for the commission of illegal activities, including facilitating organized crime or criminal enterprises, after written notice to the owner of such activities conducted therein; (vi) is abandoned; or (vii) otherwise constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, is hereby declared a public nuisance. Every private property within the city on which is being regularly conducted any activity or land use in violation of applicable laws and ordinances, including the zoning ordinance of this city, is hereby declared to be a public nuisance. Property which may be deemed esthetically substandard or deteriorating shall not meet the definition of a public nuisance unless the overall condition or use of the property results in impaired health, safety, transmission of disease, infant mortality, or crime.

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-504. Powers of city building official or his designee.

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

(1) Investigate and inspect the condition of dwellings, buildings, structures, and private property within the city to determine those structures and property uses in violation of this article. Entries onto private property shall be made in a manner so as to cause the least possible inconvenience; provided, however, the public officer shall not enter into any occupied dwelling or structure without first having obtained the consent of the owner or a person in possession. In those cases where consent to entry is denied after reasonable request, the public officer may apply to the municipal court for an administrative search warrant upon showing probable cause that a violation exists;

(2) To retain experts including certified real estate appraisers, qualified building contractors, and qualified building inspectors, engineers, surveyors, accountants and attorneys;

(3) To appoint and fix the duties of such officers and employees of the city as he deems necessary to carry out the purposes of this article; and

(4) To delegate any of his functions and powers under this article to such officers, employees and agents as he may designate.

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

(Ord. No. 2018-05, 3-12-2018; Ord. No. 2026-01, 6-15-2026)

Sec. 10-505. Complaint in notice of violation.

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

(1) Defects therein increasing the hazards of fire, accidents, or other calamities;

(2) Lack of adequate ventilation, light or sanitary facilities;

(3) Dilapidation;

(4) Disrepair by failure to conform to applicable codes and ordinances;

(5) Structural defects which render the structure unsafe for human habitation or occupancy;

(6) Uncleanliness; or

(7) The presence of graffiti which is visible from adjoining public or private property.

(b) If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall file and post a notice of violation against the lot, tract or parcel of real property on which such dwelling, building or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties in such dwelling, building or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; 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 notice shall notify the interested parties that an investigation has been ~~conducted~~conducted, and a violation has been found where the property is located. The public officer shall provide a report of the investigation and violation(s) to the interested parties and shall establish a remedy to address all violations found and documented in the public officer's report. The interested parties shall have the right to file an answer to the complaint and within 30 days of notice of violation. The public officer shall meet with the interested parties to discuss the report and remedies required to address the violation(s). The meeting shall determine:

(1) If the repair, alteration or improvement of the said dwelling, building or structure can be made at a reasonable cost in relation to the present value of the dwelling, building or structure, requiring the owner, within the time specified in the notice, 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 documented violation(s); and, if applicable, to secure by closing the structure so that it cannot be used in connection with any occupied use, and, within an established time frame; or

(2) If the repair, alteration or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the documented violation(s) 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.

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-506. Citation, complaint in rem in municipal court; procedure; lien; appeal.

(a) Whenever a complaint request has been investigated, a report has been filed, a notice of violation has been established and no response or remedy has been fulfilled by the interested parties the public officer shall request that citation for violation(s) of the applicable city codes be issued by the City of Cleveland Police Department charging that such dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may make an investigation or inspection of the specific dwelling, building, structure, or property and make a written report of his findings. Such citation shall be guided by the investigation of documented conditions, which include, but are not limited to:

(1) Defects therein increasing the hazards of fire, accidents, or other calamities;

(2) Lack of adequate ventilation, light or sanitary facilities;

(3) Dilapidation;

(4) Disrepair by failure to conform to applicable codes and ordinances;

(5) Structural defects which render the structure unsafe for human habitation or occupancy;

(6) Uncleanliness; or

(7) The presence of graffiti which is visible from adjoining public or private property.

(b) If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, in addition to the citation, the public officer shall file a complaint in rem in the municipal court of the city against the lot, tract or parcel of real property on which such dwelling, building or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties in such dwelling, building or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; 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 interested parties that a hearing will be held before the municipal court at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days, nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to

the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

(c) If, after such notice and hearing, the court determines that the dwelling, building or structure in question is unfit for human habitation or is unfit for its current commercial, industrial or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

(1) If the repair, alteration or improvement of the said dwelling, building or structure can be made at a reasonable cost in relation to the present value of the dwelling, building or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation; and, if applicable, to secure by closing the structure so that it cannot be used in connection with the commission of drug crimes; or

(2) If the repair, alteration or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building or structure and all debris from the property.

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

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

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

(e) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials

may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

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

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

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

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

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

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

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-507. Service of complaints or orders upon owners and parties in interest.

(a) Summons and copies of the complaint shall be served in the following manner:

(1) In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, structure or property within three business days of filing of the complaint and at least 14 days prior to the date of any hearing;

(2) At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint and summons by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are readily ascertainable. Copies of the complaint and summons shall also be mailed by first-class mail to the property address to the attention of the occupants, if any;

(3) For interested parties whose mailing address is unknown, a notice stating the date, time and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing; and

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

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

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

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-508. Limitation of liability for code enforcement; no special duty created.

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

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-509. General cleanliness of premises.

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

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-510. Disorderly house.

(a) Any person who keeps or maintains, either personally or through others, a common, ill-governed, or disorderly house that encourages gaming, drinking, illicit drug activity, or other misconduct, to the disturbance of the neighborhood or its residents, shall be guilty of an offense against the city. However, before any person is charged under this subsection, the chief of police shall provide written notice to the owner of the property and the person in possession of the property stating the general, customary, and common activities of the house and providing notice of this subsection and the conduct prohibited by it.

~~Any person who keeps and maintains, either by himself or others, a common, ill-governed and disorderly house, to the encouragement of gaming, drinking, illicit drug activity, or other misbehavior, to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, before any person is charged under this subsection, written notice shall be given the owner of the property and the person in possession thereof by the chief of police stating the general, customary and common habits of the house, giving fair notice of this subsection and the conduct proscribed thereby.~~

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

(Ord. No. 2018-05, 3-12-2018; Ord. No. 2026-01, 6-15-2026)

Sec. 10-511. Violations; enforcement penalties.

Any person who willfully refuses to comply with the provisions of this article shall be cited to appear before the municipal court and, upon conviction, shall be fined not less than $100.00 and up to $1,000.00; each day of continued violation, after citation, shall constitute a separate offense. In addition to the foregoing fines, upon conviction, the water superintendent shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary, by-pass, or inter-connection has been discontinued.

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-512. Prior ordinances relating to repair, closing or demolition of unfit buildings or structures.

Ordinances and sections of this Code relating to the subject matter of this article and in effect prior to March 5, 2018, being the effective date of this article, shall continue in force and effect for actions commenced thereunder and have the same force and effect after said date as this article. All new actions commenced on or after March 5, ~~2018~~2018, shall be brought pursuant to this article.

(Ord. No. 2018-05, 3-12-2018)

Sec. 10-513. Burned structures.

(a) In the event that a structure burns or has substantial fire damage, the building official or fire official may declare that the structure constitutes a public hazard if in its after condition, it is a fire hazard, pursuant to the city building and/or fire codes, to the health, safety and welfare of the public and is considered to be an unsafe building pursuant to the provisions of this article.

(b) Upon service of the notice, either by a duly appointed police officer, process server or by certified mail, the property owner shall within 30 days of the notice submit a written plan of corrective action to the fire official and building official according to the specifications contained in the notice.

(c) The building official and fire official shall then make a determination if the plans, as submitted, comply with all local, state and federal codes, laws, regulations and ordinances. If they are not in compliance, the applicant shall then have 14 days from receipt of comments and suggested revisions to resubmit the final corrected plans for re-habitation. Once the plans, as submitted, are approved, the building official and the applicant shall agree on a re-habitation schedule for said building. The city shall have 21 days from receipt of the plans to approve, disapprove or return for corrections.

(d) If plans are not submitted or are not approved or have not been approved within 90 days from receipt of the notice as provided for in this section, the city is authorized to begin condemnation proceedings under this chapter.

(e) Any denial of plans and/or variances may be appealed to the board of zoning appeals within 14 days of the denial.

(Ord. No. 2018-05, 3-12-2018)

Chapter 12 BUSINESS REGULATION AND LICENSING[1]

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. OCCUPATION TAXES

DIVISION 1. GENERALLY

Sec. 12-19. Definitions.

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

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

Business means any person that exerts substantial efforts within the city, engages in, causes to be engaged in, or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

Business location means the physical location of a business. The term "business location" does not include a temporary work site which serves a single customer or project. The term "business location" does include a temporary work site which serves multiple customers, and any business operating at such location is subject to the requirements of this chapter. For the purposes of this article, a separate location shall exist if there is a separation of buildings of a business by the property of another, not including public streets.

Certificate holder means any person who has obtained a tax certificate pursuant to the provisions of this chapter.

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

Employee means an individual who performs services for an employer under the employer's direction and control as to the means and manner of performing the work and who is classified by the employer as an employee for federal and state tax and labor law purposes. An individual treated as an independent contractor and reported on IRS Form 1099, rather than IRS Form W-2, shall not be considered an employee.

[1]State law reference(s)—Authority of cities and counties to license self-service motor fuel dispensing pumps, O.C.G.A. § 36-60-1; certain persons required to provide proof of state licensure before issuance of city or county business license, O.C.G.A. § 36-60-6; limitations regarding persons performing investigations related to city and county business licenses, O.C.G.A. § 36-60-9; taxation of insurers, O.C.G.A. § 33-8-1 et seq.; licensing and taxation of certain businesses, O.C.G.A. § 48-13-1 et seq.

For purposes of calculating occupation taxes based on the number of employees, part-time employees shall be converted to full-time equivalent employees by dividing the total hours worked by all part-time employees during the applicable pay period by forty (40).

Engaged in business means doing or performing of any act of selling any goods or services, or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, including selling or performing services of the character of a wholesaler or retailer, or being involved in any of the functions performed as a manufacturer, or renting real or personal property, all of the foregoing performed either as an owner, operator or agent of any business, trade, profession, or occupation within the city.

Insurer means a company which is authorized to transact business in the classes of insurance designated in O.C.G.A. § 33-3-5.

Life insurance company means a company which is authorized to transact only the class of insurance designated in O.C.G.A. § 33-3-5 as class (1).

Location or *office* includes any structure or vehicle where a business profession or occupation is conducted but excludes a construction work site and a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office.

Nonprofit organization means an organization which is formed for a purpose not involving pecuniary remuneration, directly or indirectly, to its shareholders or members as such. Such organizations encompass those which are truly altruistic as well as those whose aid is limited to its membership.

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.

Practitioner of profession or occupation means one who by state law requires state licensure for regulating such profession or occupation. The term "practitioner of profession or occupation" 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, that are assessed by the city as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession, or business and which fees are designed to approximate the reasonable cost of the regulatory activity performed by the city.

(Ord. of 12-19-1994, § 2; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Similar definitions, O.C.G.A. § 48-13-5.

Sec. 12-20. Duty to keep information current.

Any person required by this article to register his business shall notify the clerk in writing within 30 days of the following changes:

(1) Any change of address of the business, in which case the same occupation tax certificate shall be valid at the new location;

(2) Any change of ownership, in which case the transfer shall be treated as the termination of one business and the establishment of a new business for the purposes of this article;

(3) The termination of any business.

(Ord. of 12-19-1994, § 37)

Sec. 12-21. Compliance with other ordinances and laws.

(a) All businesses registered under this article are required to comply with the provisions of this Code and all other ordinances of the city and applicable state and federal law. The issuance of an occupation tax certificate to any business by the city shall not authorize that business to engage in or carry on business or to perform any other activity in violation law nor shall it relieve that business from obtaining any certificate or permit required by the provision of other laws or ordinances.

(b) No certificate shall be issued or renewed until any delinquent property taxes and other debts to the city have been paid.

(Ord. of 12-19-1994, § 38)

Sec. 12-22. Evidence of state license required, if applicable; state license to be displayed.

(a) Each person who is licensed under O.C.G.A. title 43 of the state license examining boards shall provide evidence of proper and current state licensure before the city tax certificate is issued.

(b) Each person who is subject to a city tax certificate and also is licensed by the state shall post the state license in a conspicuous place in the certificate holder's place of business and shall keep the license there at all times while the tax certificate remains valid.

(Ord. of 12-19-1994, § 12)

Sec. 12-23. Evidence of qualification required.

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

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

(Ord. of 12-19-1994, § 13)

Sec. 12-24. Liability of officers and agents; failure to register and obtain certificate.

(a) All persons subject to licensure and taxation provided in this article shall be required to take out the necessary tax certificate for said business prescribed 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 tax certificate.

(b) Every person commencing business in the city after April 1 of each year shall likewise obtain the tax certificate herein provided for before commencing the same, and any person transacting or offering to transact in the city any of the kinds of business, trade, profession or occupation without first having so obtained said tax certificate shall be subject to penalties provided thereof.

(Ord. of 12-19-1994, § 14)

Sec. 12-25. Methods of payment.

(a) The City of Cleveland shall accept as payment for amounts due under this section the following methods of payment:

(1) Cash;

(2) Check;

(3) Money order;

(4) Credit card/debit card (Visa, MasterCard, Discover).

(b) Nothing in this section shall require the City of Cleveland to accept a particular type of credit card for the payment of amounts due under this section.

(Ord. No. 2017-10, § 2, 8-14-2017)

Editor's note(s)—Ord. No. 2017-10, § 2, adopted Aug. 14, 2017, set out provisions intended for use as § 12-215. For purposes of classification, and at the editor's discretion, these provisions have been included as § 12-25.

Secs. 12-26—12-51. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 12-52. Penalties.

(a) Any person violating the provisions of this article shall be punished as provided in section 1-18; provided, however, that violator whose qualification to practice his profession are determined by state law and who fails to pay occupation tax as required in this article shall be subject only to collection by the clerk in the same manner as provided by law for tax executions.

(b) In addition to such fine or imprisonment, violation of this article shall be grounds for immediate suspension or revocation of the tax certificate issued hereunder. However, no suspension or revocation shall take effect until written notice of the violations have been provided to the certificate holder not less than 48 hours prior to time of the hearing before the city council. If the evidence before the city council at the hearing shall demonstrate a violation likely to continue which poses an immediate threat to the health, safety or welfare of any citizen, then it shall be grounds for an immediate suspension of the tax certificate pending a full administrative hearing on the issue.

(c) At the time set for hearing, the city council shall receive all relevant testimony in evidence from the city personnel, from interested parties, and from the certificate holder. The city council shall make findings of fact as to whether or not the alleged violation of this article has occurred.

(d) The below enumerated periods of mandatory minimum suspension shall be imposed and enforced for each violation. The enumerated periods represent a minimum penalty, and additional periods of suspension and revocation may be imposed as determined by the city council on a case by case basis. The minimum suspension and revocation periods are as follows:

First offense: Suspension for four months.

Second offense: Suspension for one year.

Third offense: Revocation for a period not less than five years.

(Ord. of 12-19-1994, § 16)

Sec. 12-53. Enforcement authority.

The city clerk and his duly designated officers and inspectors, including, but not limited to, the city code enforcement officer, shall be classified as business inspectors with full subpoena and arrest authority in conjunction with any violation relating to the occupation tax of the city.

Sec. 12-54. Enforcement duties of city clerk.

The city clerk shall administer and enforce the provisions of this article for the levy, assessment, and collection of fees, taxes, and penalties imposed herein. In carrying out the responsibilities, the city clerk shall have the following specific duties:

(1) To prepare and provide the necessary forms for licensing and registration of a business and for the submission of required information as may be necessary to properly administer and enforce the provisions of this article;

(2) To ensure to each person an occupation tax certificate within a reasonable time after the payment of the occupation tax; provided, however, that if permits, certifications, and compliance with enumerated conditions are required for the operation of the business, the clerk shall not issue said certificate until the applicant exhibits to the clerk full compliance therewith;

(3) To audit periodically, and when deemed necessary, the books and records of the businesses subject to the provisions of this article, and to require the submission of such additional information as may be necessary to correctly determine the amount of the occupation tax due and to ensure the collection of the same; and

(4) To make and publish reasonable rules and regulations not inconsistent with this chapter or any federal, state, county, or city law or rule for the administration and enforcement of the provisions of this article and the collection of the fees, taxes, and penalties due hereunder.

(Ord. of 12-19-1994, § 17)

Sec. 12-55. Inspection of books and records; deficiencies.

(a) Each business subject to taxation under this article shall keep adequate records for examination by the city clerk, or designee, as provided in this section.

(b) The city clerk, through officers, agents, employees or representatives, including any independent contractors as may be employed by the city from time to time, may inspect the books of the business for which the returns are made as required in this article.

(c) Upon demand of the city clerk, or designee, such books or records shall be submitted for inspection within 30 days. Failure to submit books or records within 30 days shall be grounds for revocation of the tax certificate currently existing to do business in the city.

(d) If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of ten percent of the deficiency, and an additional one percent of the deficiency for each month or fraction thereof that the deficiency was due and unpaid, shall be assessed.

(Ord. of 12-19-1994, § 25; Ord. No. 2026-01, 6-15-2026)

Sec. 12-56. Grounds for revocation.

Except for a person whose qualifications to practice his profession is determined by general state law, the failure of any business to pay an occupation tax or any part thereof before it becomes delinquent or upon failure to permit inspection of its books as provided in section 12-55, any business tax certificate granted by the city under this article permitting the owner to do business in the city for the current year shall be, ipso facto, revoked. No new business tax certificate shall be granted by the city for the operation of a business for which any part of the occupation tax is at that time unpaid or to a person who has failed to submit adequate records as requested by the city clerk.

(Ord. of 12-19-1994, § 26)

Sec. 12-57. Tax certificate revocation or suspension.

(a) Upon the failure of any business to obtain or renew, in a timely manner, a tax certificate hereunder, or to pay an occupation tax or any part thereof before it becomes delinquent, or upon failure to make and file returns within the time required herein, or upon failure to make a true return, or upon failure to amend a return to set forth the truth, or upon failure to permit inspection of its books as provided herein, any business in the city for the current year shall be, ipso facto, revoked.

(b) No new business tax certificate shall be granted by the city for the operation of a business for which any fees or any part of the occupation tax herein provided for is at that time unpaid, or to a person who has failed to submit adequate records as requested by the revenue collection officer in accordance with this article.

(Ord. of 12-19-1994, § 27)

Sec. 12-58. Execution for delinquent occupation tax.

(a) In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the city clerk, upon any tax or installment of said tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of said tax against the person liable for said tax, which execution shall bear interest at the rate of one percent per month from the date when such tax or installment becomes delinquent.

(b) The lien shall cover the property of the person liable for the delinquent tax as provided by this Code and state law. The lien shall become fixed from the date the tax or any installment thereof became delinquent. The execution shall be levied by the city clerk upon the property of the person liable for the tax, and sufficient property shall be advertised and sold to pay the amount of the execution, with interest and costs.

(c) All other proceedings in relation thereto shall be had as provided in this Code and by state law. The defendant shall have rights of defense, by affidavit of illegality and otherwise, as may be provided by law.

(d) When a nulla bona entry has been entered by the proper authority upon an execution issued by the city clerk 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, penalties and costs accrued on the tax, the person may collect any fees and charges due the person as though the person had never defaulted in the payment of the taxes.

(Ord. of 12-19-1994, § 28)

Secs. 12-59—12-89. Reserved.

DIVISION 3. EXEMPTIONS AND EXCEPTIONS

Sec. 12-90. Businesses not subject to taxation under this article.

(a) The following businesses are not subject to fees or taxes under this article but may be assessed an occupation tax or other type of tax or fee pursuant to the provisions of other general laws of the state or local law:

(1) Those businesses regulated by the state public service commission;

(2) Those electrical service businesses organized under O.C.G.A. § 46-3-1 et seq.;

(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;

(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) Disabled veterans and blind persons with proof of exemption under O.C.G.A. § 48-12-1;

(10) Depository financial institutions governed by O.C.G.A. § 49-6-93;

(11) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55;

(12) Established churches, religious, charitable, civic and fraternal organizations chartered or operated as nonprofit organizations and which are not engaged in daily selling of goods or services to the public in competition with persons taxed by virtue of the provisions of this division;

(13) Any person engaging in casual or isolated activity and commercial transactions, where such involve personal assets and are not an occupation for the individual.

(b) In regard to yard/garage sales, this exemption shall apply to persons or nonprofit organizations conducting such sales at a private residence or at a commercial location with an occupancy permit and with permission of the property owner, not exceeding four events per year.

(c) In regard to the rental of personally owned residences, this exemption shall apply to persons renting a maximum of five residences within the state.

(d) The city may require any business claiming not to be covered by the provisions of this article to provide specific and detailed evidence showing such noncoverage.

(Ord. of 12-19-1994, § 18)

Sec. 12-91. Practitioners exclusively practicing for government.

Any practitioner whose office is maintained by and who is employed in practice exclusively by the state or federal government, a municipality or county of the state, an instrumentality of the state or federal government,

or an instrumentality of a municipality or county of this state, shall not be required to obtain a tax certificate for that purpose.

Sec. 12-92. Exemption for charitable purpose businesses.

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

(Ord. of 12-19-1994, § 11)

Sec. 12-93. Option to establish exemption or reduction.

The city 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 city council.

(Ord. of 12-19-1994, § 33)

Sec. 12-94. Tax exemption for certain persons 65 years of age or older.

The city recognizes and encourages the fact that there are individuals within the city who have reached the age of 65 wish to remain involved in the economy of the area without pursuing a fulltime business or occupation. This involvement contributes to the economic development of the city, and as a means of encouraging this involvement, the city declares that any person 65 years of age or older conducting business from his home and having an annual gross income of less than $10,000.00 may conduct such business by paying one-half of the otherwise required occupation tax. Proof of qualification for this status must be provided to the city clerk.

(Ord. of 12-19-1994, § 21)

Sec. 12-95. Tax not applicable where prohibited by law.

The occupation tax assessed in this article is not levied upon any part of a business to the extent that such levy is prohibited or exempted by state or federal law.

(Ord. of 12-19-1994, § 19)

Secs. 12-96—12-118. Reserved.

DIVISION 4. REGISTRATION AND FEES

Sec. 12-119. Business registration and tax certificate required.

It shall be unlawful for any person to engage in, conduct or carry on any business, trade, profession, or occupation from a location in the city, regardless of whether the location in the city is a main office or main place of business, and including home businesses, without registering with the city and obtaining a tax certificate. No tax

certificate so issued shall condone or make legal an activity thereunder if the same is deemed illegal or unlawful under state or federal law.

Sec. 12-120. Administrative and regulatory fees; additional occupation taxes.

(a) *Administrative fee.* Each certificate holder under this chapter shall pay an administrative fee in the amount established by the city council, and such fees shall be used by the city to administer the occupation tax system.

(b) *Regulatory fee.* Certain certificate holders under this article may be required to pay, in addition to administrative fees and occupation taxes, a regulatory fee to defray, in part, the city's cost in regulating the activities of the certificate holder by providing such services as background investigations, inspections, and similar regulatory activities; provided, however, that the regulatory fee assessed pursuant to this section shall approximate the reasonable cost of the regulatory activity performed by the city. Examples of businesses or practitioners of professions or occupations that may be subject to regulatory fees of under this section include, but are expressly not limited to, the following:

(1) Building and construction contractors, subcontractors, and workers;

(2) Carnivals;

(3) Taxicab and limousine operators;

(4) Tattoo artists;

(5) Stables;

(6) Shooting galleries and firearm ranges;

(7) Scrap metal processors;

(8) Pawnbrokers;

(9) Food service establishments;

(10) Dealers in precious metals;

(11) Firearms dealers;

(12) Peddlers;

(13) Parking lots;

(14) Nursing and personal care homes;

(15) Newspaper vending boxes;

(16) Modeling agencies;

(17) Massage parlors;

(18) Landfills;

(19) Auto and motorcycle racing;

(20) Boardinghouses;

(21) Businesses which provide appearance bonds;

(22) Boxing and wrestling promoters;

(23) Hotels and motels;

(24) Hypnotists;

(25) Handwriting analysts;

(26) Health clubs, gyms, and spas;

(27) Fortunetellers;

(28) Garbage collectors;

(29) Escort services;

(30) Burglar and fire alarm installers; and

(31) Locksmiths.

(c) *Exceptions.* Examples of businesses and practitioners of professions and occupations not subject to regulatory fees under this chapter include, but are expressly not limited to, the following:

(1) Lawyers;

(2) Physicians licensed by the state;

(3) Osteopaths licensed by the state;

(4) Chiropractors;

(5) Podiatrists;

(6) Dentists;

(7) Optometrists;

(8) Psychologists;

(9) Veterinarians;

(10) Landscape architects;

(11) Land surveyors;

(12) Practitioners of physiotherapy;

(13) Public accountants;

(14) Embalmers;

(15) Funeral directors;

(16) Civil, mechanical, hydraulic, or electrical engineers;

(17) Architects;

(18) Marriage and family therapists, social workers, and professional counselors;

(19) Dealers of motor vehicles, as defined in O.C.G.A. § 10-1-622(1);

(20) Owners or operators of bona fide coin-operated amusement machines, as defined in O.C.G.A. § 48-17-1, and owners or operators of businesses where bona fide coin-operated amusement machines are available for commercial use and play by the public, provided that such amusement machines have affixed current stickers showing payment of annual permit fees, in accordance with O.C.G.A. § 48-17-9;

(21) Merchants or dealers, as defined in O.C.G.A. § 48-5-354 as to their deliveries to businesses and practitioners of professions and occupations in areas zoned for commercial use; and

(22) Any other business, profession, or occupation for which state licensure or registration is required by state law, unless the state law regulating such business, profession, or occupation specifically allows for regulation by local governments.

(d) *Flat rate, per employee, and gross receipts occupation taxes.* In addition to administrative and any applicable regulatory fees, each certificate holder under this article shall be required to pay either an annual flat rate occupation tax, an occupation tax based on the number of employees of the certificate holder, or an occupation tax based on the gross receipts of the licensed business.

(Ord. of 12-19-1994, § 3)

State law reference(s)—Regulatory fees, O.C.G.A. § 48-13-8; limitations on imposition of regulatory fees, O.C.G.A. § 48-13-9.

Sec. 12-121. Application for tax certificate.

(a) An application for a tax certificate under this article shall be made to the city clerk, on the form provided by the clerk, accompanied by an administrative fee and any applicable regulatory fee.

(b) The application shall identify the line of business that the business conducts, including an identification of the dominant line, if more than one. No business shall conduct any line of business without first having that line of business registered with the revenue collection division and that line of business being imprinted by the revenue collection division upon the business tax certificate.

(Ord. of 12-19-1994, § 6)

Sec. 12-122. Number of businesses operating in city considered.

(a) If a person conducts business at more than one store or place, each store or place shall be considered a separate business for the purpose of business fees and occupation tax.

(b) If a business is operated at more than one place or if the business includes more than one line, the gross receipts of each location will be entered on a separate occupation tax return, and each different line of business will have the gross receipts of that line of business identified on a form to be furnished by the revenue collection officer.

(Ord. of 12-19-1994, § 7)

Sec. 12-123. Tax certificate and tax due date; delinquency penalties.

(a) Tax certificate applications, together with administrative fees and applicable regulatory fees, and occupation taxes are payable by January 1 of each year and shall be delinquent if not paid by April 1 of each year.

(b) Delinquent tax certificate renewals shall be subject to a penalty equal to ten percent of applicable fees for the first 30 days or fraction thereof of delinquency and an additional one percent of applicable fees for each additional month or fraction thereof of delinquency.

(c) Delinquent occupation taxes shall be subject to a penalty equal to ten percent of the tax due for the first 30 days or fraction thereof of delinquency and an additional five percent of applicable fees for each additional month or fraction thereof of delinquency, plus interest at the rate of nine percent per annum.

(d) Any new business, profession, or occupation commenced within the city shall obtain a tax certificate and pay applicable fees before commencing business. If business is commenced before issuance of a tax certificate under this article and payment of applicable fees, a ten percent penalty shall be added to the applicable fees.

(e) In addition to all other penalties specified in this section, any business that fails to obtain or renew a tax certificate in a timely manner as required in this article or who becomes delinquent in the payment of occupation taxes due hereunder shall be subject to penalties as set forth in section 1-18.

(Ord. of 12-19-1994, §§ 9, 15)

Secs. 12-124—12-146. Reserved.

DIVISION 5. TAX LEVY GENERALLY

Sec. 12-147. Purpose and scope of tax.

The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade, or calling. The occupation tax only applies to those businesses and occupations covered by the provisions of O.C.G.A. § 48-13-6. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general or local law and ordinance.

Sec. 12-148. Occupation tax levied.

Except for those business and practitioners of professions and occupations excluded from local taxation by O.C.G.A. §§ 48-13-16(a), 43-12-1, and 48-13-5—48-13-26, each business subject to the provisions of this article shall pay occupational taxes based on the number of employees or gross receipts, subject to the following:

(1) The city shall not require the payment of more than one occupational tax for each location that a business or practitioner shall have, nor shall the city require that a business pay occupational tax for more than 100 percent of the business' gross receipts.

(2) The city shall not require an occupation tax on those receipts that were taxed by occupation tax in other localities or states.

(3) The city shall not require a business tax certificate 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 12-19-1994, §§ 1, 5)

Secs. 12-149—12-179. Reserved.

DIVISION 6. TAXES BASED ON NUMBER OF EMPLOYEES

Sec. 12-180. Applicability to businesses with no physical location in the state.

(a) Pursuant to O.C.G.A. § 48-13-7, the occupation taxes levied in this article shall be applicable to businesses and practitioners of professions and occupations with no location or office in the state if the business or practitioner:

(1) Has one or more employees or agents who exert substantial efforts within the corporate limits of the city for the purpose of soliciting business or serving customers or clients; or

(2) Owns personal or real property which generates income and which is located in the corporate limits.

(b) For occupation taxes levied under this article based on a percentage of gross receipts, the gross receipts used for calculation of taxes shall include only those gross receipts reasonably attributable to sales or services in the state.

(c) For occupation taxes levied under this article based on the number of employees of the business, the number of employees shall include only those employees engaged in substantial efforts within the state, and nationwide profitability ratios shall apply only to types of business transacted within this state.

(d) All businesses and practitioners subject to this article and to local taxation in other counties or cities in this state shall be required to pay occupation tax only to the city in which the largest dollar volume of business is done or service is performed by the individual business or practitioner.

(e) If a business or practitioner subject to taxation under this article provides to the city proof of payment of a local business or occupation tax in another state which purports to tax the business's or practitioner's sales or services in this state, the business or practitioner shall be exempt from taxation under this article.

(Ord. of 12-19-1994, § 5)

State law reference(s)—Similar provision, O.C.G.A. § 48-13-7.

Sec. 12-181. Calculation of tax.

(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 and upon the applicable out-of-state businesses with no location or office in this state pursuant to O.C.G.A. § 48-13-7 based the number of fulltime employees or their mathematical equivalent, calculated as follows:

(1) The total number of hours worked during the preceding calendar year by all employees shall be totaled and divided by 2,080 (40 hours per week times 52 weeks). The resulting number of fulltime employees shall be rounded to the nearest tenth.

(2) In making the calculation provided in subsection (a)(1) of this section, the hours of employees whose total number of hours worked are not available (such as salaried employees) shall be calculated at a rate of 40 hours per week.

(3) In businesses where it can be shown that calculation by this method would be impractical, an alternate method may be used, upon approval of the city clerk, which would provide an accurate count of fulltime-equivalent employees.

(4) If a business is operated at more than one place, the number of employees of each location will be entered on a separate occupation tax return furnished by the city.

(5) For out-of-state businesses with no location in this state, occupation taxes apply to the employees of the business that are reasonably attributed to sales or services in made or provided in this state.

(b) The amount of occupation tax due shall be as shown in the city fee schedule in chapter 24.

(Ord. of 12-19-1994, §§ 4, 23)

Sec. 12-182. Number of employees determined for preceding calendar year.

All occupation taxes levied by this article are levied based on the number of employees employed by the business during the calendar year immediately preceding the calendar year for which the taxes are due. All persons conducting businesses subject to the provisions of this article shall file with the city clerk the returns hereinafter specifically provided for, showing the number of fulltime-equivalent employees of the business during

the preceding calendar year. This return shall be used as the basis for calculating the amount of occupation tax due from each business.

(Ord. of 12-19-1994, § 20)

Sec. 12-183. Businesses not having conducted business the preceding calendar year.

In the case of a business subject to the occupation tax for a calendar year that was not conducted for any period of time in the corporate limits of the city in the preceding year, the owner, proprietor, manager or executive officer of the business liable for the occupation tax shall estimate the number of fulltime-equivalent employees who will be employed when the business begins operation. Businesses beginning operation after July 1 of any calendar year shall pay a prorated occupation tax of 50 percent of the tax that would be due on an annual basis.

(Ord. of 12-19-1994, § 22)

Sec. 12-184. Businesses having operated for portion of preceding calendar year only.

If a business subject to the occupation tax for the calendar year has been conducted for only a part of the preceding year, the number of fulltime-equivalent employees for such part shall be set forth in said return. Said figure shall be used as the estimate of the number of fulltime-equivalent employees of the business for the current calendar year.

(Ord. of 12-19-1994, § 20)

Sec. 12-185. Filing return.

The owner, proprietor, manager or executive officer of the business subject to said occupation tax for the current calendar year shall, not earlier than the end of the preceding year, and on or before April 1 of the current calendar year, file with the city clerk, on a form furnished by the city clerk, a signed return setting forth the number of fulltime-equivalent employees of such business for the preceding calendar year which number of employees shall be used as the basis of the calculation of the amount of occupation tax due in the current calendar year. For the purpose of this calculation the number of fulltime-equivalent employees of a business during the preceding calendar year is the number of fulltime-equivalent employees used in the calculation of the occupation tax due for the current calendar year.

(Ord. of 12-19-1994, § 20)

Sec. 12-186. Estimated number of employees upon failure to file return; notice; contest.

(a) If any person fails to make a return, the city clerk may make an estimate of the number of fulltime-equivalent employees of the business. 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 or may come into the possession of the city clerk.

(b) The city clerk or his designee shall give to the operator of said business written notice of his determination. 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.

(c) Should such person contest the city clerk's determination as to the number of fulltime-equivalent employees within ten days of the receipt of said notice, then, upon payment of a penalty equal to ten percent of the occupation tax due (based on the amended return), the clerk may accept the amended return and recalculate the occupation tax due from such person.

(Ord. of 12-19-1994, § 20)

Sec. 12-187. Allocation of employees of business with multiple locations.

(a) For businesses that have multiple locations inside and outside the city where the number of employees can be allocated to each location, the number of employees used to determine the occupational tax assessed will be those employees attributed to each location within the city. If the number of employees attributed locally cannot be determined, the total number of employees will be divided by the total number of locations in the city and elsewhere and allotted to those locations.

(b) Upon request, the business or practitioner with a location or office situated in more than one jurisdiction shall provide to the city with information necessary to allocate the number of employees of the business or practitioner and information relating to the allocation of the business or practitioner's number of employees by other local governments.

(Ord. of 12-19-1994, § 10)

Secs. 12-188—12-212. Reserved.

DIVISION 7. ALTERNATIVE TAX FOR CERTAIN PROFESSIONALS

Sec. 12-213. Alternative flat tax for practitioners of certain professions.

(a) 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) An occupation tax based on the number of employees; or

(2) A fee of $400.00 per practitioner who is licensed to provide the service, such tax to be paid at that practitioner's office or location; provided, however, that a practitioner electing to pay a flat rate occupation tax according to this subsection shall not be required to provide information to the city relating to the gross receipts of the business or practitioner.

(b) Practitioners of professions subject to this section are currently designated by state law as:

(1) Lawyers;

(2) Physicians licensed by the state;

(3) Osteopaths licensed by the state;

(4) Chiropractors;

(5) Podiatrists;

(6) Dentists;

(7) Optometrists;

(8) Psychologists;

(9) Veterinarians;

(10) Landscape architects;

(11) Land surveyors;

(12) Practitioners of physiotherapy;

(13) Public accountants;

(14) Embalmers;

(15) Funeral directors;

(16) Civil, mechanical, hydraulic, or electrical engineers;

(17) Architects;

(18) Marriage and family therapists, social workers, and professional counselors.

(c) The 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.

(Ord. of 12-19-1994, § 8)

State law reference(s)—Similar provisions, O.C.G.A. §§ 48-13-9, 48-13-10.

Secs. 12-214—12-261. Reserved.

ARTICLE III. INSURANCE COMPANIES[2]

Sec. 12-262. Insurers license fees.

There is hereby levied for the year 2012 and for each year thereafter, an annual license fee upon each insurer doing business within the City of Cleveland, Georgia, in the amount of $40.00. For each separate business location in excess of one not covered by section 12-263 of this article, which is operating on behalf of such insurers within the City of Cleveland, Georgia, there is hereby levied a license fee in the 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. No. 2011-16, § 1, 11-3-2011)

Sec. 12-263. License fees for insurers insuring certain risks at additional business locations.

For each separate business location, not otherwise subject to a license fee hereunder, 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

[2]Editor's note(s)—Ord. No. 2011-16, §§ 1—5, adopted Nov. 3, 2011, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 12-286—12-289, pertained to similar subject matter, and derived from Comp. Ords. 1970, §§ 5-201, 5-202; Ord. of 10-20-1983(2), §§ 1, 3.

through a licensed agent of an insurer for insurance said insurer shall pay an additional license fee of $14.00 per location for the year 2012 and for each year thereafter.

(Ord. No. 2011-16, § 2, 11-3-2011)

Sec. 12-264. Gross premiums tax imposed on life insurers.

There is hereby levied for the year 2012 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 of Georgia 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 12-262 of this article.

(Ord. No. 2011-16, § 3, 11-3-2011)

Sec. 12-265. Gross premiums tax—All other insurers.

There is hereby levied for the year 2012 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 of Georgia in an amount equal to two and one-half 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 12-262 of this article.

(Ord. No. 2011-16, § 4, 11-3-2011)

Sec. 12-266. Due date for license fees.

License fees imposed in sections 12-262 and 12-263 of this article shall be due and payable on the first day of 2012 and on the first day of each subsequent year.

(Ord. No. 2011-16, § 5, 11-3-2011)

Secs. 12-267—12-335. Reserved.

ARTICLE IV. FINANCIAL INSTITUTION LICENSE TAX[3]

Sec. 12-336. License tax.

Pursuant to O.C.G.A. § 48-6-93, the city has levied upon state and national banking associations, federal savings and loan associations and state building and loan associations operating with the city a business license tax at the rate of 0.25 percent of the gross receipts of said institutions. The term "gross receipts," as used in this section, shall have the same meaning as provided in O.C.G.A. § 48-6-93. Notwithstanding any other provisions of

[3]State law reference(s)—Authority for license tax on financial institutions, O.C.G.A. § 48-6-93.

this article, the minimum amount of business license tax due from any depository financial institution pursuant to this article shall be $1,000.00 per year.

(Ord. of 10-20-1983(1), § 1)

Sec. 12-337. Due date; filing of return.

Each depository financial institution within the city shall file a return of its gross receipts with the city clerk on March 1 of the year following the year in which such gross receipts were measured. Returns shall be in the manner and in the form prescribed by state law 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. Taxes due pursuant to the return shall be due and payable not later than April 1 of each year. Delinquent taxes shall be subject to a penalty of ten percent per month or fraction thereof that the tax is delinquent.

(Ord. of 10-20-1983(1), § 2)

Secs. 12-338—12-362. Reserved.

ARTICLE V. LODGING TAX[4]

Sec. 12-363. 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 20th day after the close of the monthly period for which tax is to be computed.

Guest room 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.

(1) The term "hotel" means any structure or any portion of any structure, including, but not limited to, any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio, hotel, motel, motor hotel, auto court, inn, bed and breakfast, public club or private club containing guest rooms and which is occupied or is intended or designed for occupancy by guests, whether rent is paid in money, goods, labor, or otherwise.

Occupancy means the use or possession or the right to 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.

[4]Editor's note(s)—Ord. No. 2010-02, § 1, adopted July 29, 2010, repealed former §§ 12-364—12-375, and enacted new §§ 12-364—12-375 as set out herein. The former sections pertained to similar subject matter and derived from Ord. of 2-13-1989, §§ II—XIII; Ord. of 12-11-2008(2).

State law reference(s)—Authority for county to assess and collect excise taxes on rooms, lodgings, and accommodations, O.C.G.A. § 48-13-51.

Occupant means any person who, for 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, use, or other agreement, or otherwise.

Operator means any person operating a hotel in the 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 such 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 guest room in a hotel for more than ten consecutive days. No tax shall be levied for the use of rooms as meeting rooms or upon the fees or charges for any guest room used for a period of one or more days by state or local government officials or employees when traveling on official business.

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 herein provided.

(Ord. of 2-13-1989, § I; Ord. of 12-11-2008(2); Ord. No. 2026-01, 6-15-2026)

Sec. 12-364. Levied.

There is hereby levied an excise tax at the rate of eight percent of the rent paid for the occupancy of any room, lodging or accommodation furnished by any person or legal entity within the incorporated portions of the city. The tax applies to hotels, motels, inns, lodges, tourist camps, tourist cabins or any other place in which rooms, lodgings or accommodations are available.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-365. Exemptions.

(a) No tax shall be levied as provided in this article upon:

(1) Charges made for any rooms, lodgings or accommodations provided to any persons who certifies that they are staying in such room, lodging or accommodation as a result of the destruction of their home or residence by a fire or other casualty;

(2) The use of meeting rooms and other such facilities or any rooms, lodgings or accommodations provided without charge;

(3) Any rooms, lodgings or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding other means of identification, a person paying for rooms, lodgings or accommodations with a state or local government credit or debit card shall be a Georgia state or local government official or employee traveling on official business. For purpose of the exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments or independent school districts; or

(4) Charges made for continuous use of any rooms, lodgings or accommodations after the first 30 days of continuous occupancy.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-366. Duty of operator to collect.

Each operator maintaining a place of business in the incorporated portions of the city as provided in section 12-364 and renting occupancy, lodging or accommodations not exempted under section 12-365 shall collect a tax of eight percent on the amount of rent from the occupant.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-367. Registration.

(a) Every person engaging in or about to engage in business as an operator of any establishment pursuant to this article shall immediately register such business with the city, on a form provided by the city for such purpose. Such registration shall set forth the name under which the operator transacts business or intends to transact business, the location of the place or places of business, and such other information as would facilitate the collection of the tax by the city. The owner if a natural person, a member or general partner in case of ownership by an association or partnership or an appropriate officer in the case of ownership by a corporation shall sign the registration.

(b) A separate registration shall be required for each place of business of an operator.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-368. Certificate of taxing authority.

Upon the registration of an operator pursuant to this article, the city 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. Such certificate of authority shall also constitute a license by the city to operate such an establishment; provided, however, that such license shall not relieve the operator from obtaining any other required licenses or permits.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-369. Due, payable monthly.

(a) All taxes levied by this article shall be due and payable to the city monthly on or before the 20th day of every month next succeeding each respective month in which such taxes are collected. The payment and return for the preceding month confirming the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the period as well as information requested by the city.

(b) The monthly report shall have attached thereto a copy of the corresponding month's state department of revenue sales and use tax report (Form ST-3).

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-370. Compensation allowed for collection.

Operators collecting the tax levied by this article shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction for submitting, reporting and payment of the amount due if such amount is not delinquent at the time of payment. The rate of the deduction shall be three percent of the total amount of tax collected. (O.C.G.A. § 48-13-52)

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-371. Delinquency; estimation; enforcement.

(a) If any operator fails to file a return as required under the provisions of this article, the city shall make an estimate of the amount of gross rentals, which are subject to the tax. The estimate for the period or periods in which the operator failed to file a return shall include any information which has or may come into the possession of the city.

(b) The mayor and city council or its designated representative shall give to the operator written notice of the determination as herein provided. Service of the notice shall be in person or by mail. If by mail, the service shall be to the operator at the address appearing in the city's records. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.

(c) The amount of the determination made under this section shall bear interest at the rate of 0.75 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.

(d) In addition, a penalty of five percent of the tax due or $5.00, whichever is greater, for each 30-day period or fraction thereof, not to exceed 25 percent or $25.00, whichever is greater, shall be assessed and paid by the operator to the city.

(e) The estimated tax, together with applicable penalties and interest is collectible utilizing any of the enforcement methods set forth in this article.

(Ord. No. 2010-02, § 1, 7-29-2010; Ord. No. 2026-01, 6-15-2026)

Sec. 12-372. Required records.

Each 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 may require.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-373. Administration and enforcement, powers.

The mayor and city council, or its designated representative shall administer and enforce the provisions of this article for the collection of the tax imposed by this article, and in so doing shall have the power to:

(1) Examine, or authorize the examination of, books, papers, records, financial reports, equipment, and other facilities of any operator subject to this article, 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) Require the filing of reports by any person having in his possession or custody information relating to rentals which are subject to the tax levied by this article; and

(3) Allow a credit on any amount due and payable from persons erroneously or illegally charged.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-374. Collection by court action.

Within three years after the tax or any portion of the tax becomes due and payable, the city attorney and/or city solicitor at the direction of the mayor and city council may bring an action in a court of competent jurisdiction to collect such amount due together with interest, court fees, attorney's fees and other legal fees incident thereto.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-375. Effect of sale of establishment (successors or assignees of operator).

If any operator becomes liable for any amount required to be paid by this article and subsequently thereto sells out or quits the business, the successors or assignees of such operator shall withhold a sufficient amount of the purchase price to cover such amount due. If such purchaser of the business fails to withhold the required amount, he shall become personally liable therefore to the extent of the tax owed, together with any applicable penalties and interest.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-376. Penalties for violation.

(a) Any person who violates the terms of this article or who fails to do anything required by this article shall be guilty of a misdemeanor, amenable to the process of the judicial court and upon conviction, shall be punished as provided in the Code of Ordinances of Cleveland, Georgia, section 1-16.

(b) In order to enforce this article or to correct or abate any violation of this article, the mayor and city council, in addition to other remedies may institute injunction, mandamus or other appropriate action.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-377. Proceeds for the tax.

The proceeds of this tax shall be used in accordance with O.C.G.A. § 48-13-5l(b) and City of Cleveland Resolution 2009-3/9, duly passed by the mayor and city council at their March 9, 2009, regular meeting, and with said resolution attached as a part of the public minutes for said public meeting.

(Ord. No. 2010-02, § 1, 7-29-2010)

Sec. 12-378. Repeal of prior tax rate and effective date of new rate.

The eight percent excise tax imposed herein shall become effective on the first day of the second month following the passage of the ordinance from which this section was derived by the mayor and city council. The prior five percent excise tax levied under the previous sections of the Cleveland City Code shall continue in effect until the effective date of the eight percent excise tax, and then the prior five percent excise tax shall be repealed.

(Ord. No. 2010-02, § 1, 7-29-2010)

Secs. 12-379—12-384. Reserved.

ARTICLE VI. SHORT-TERM RENTAL ORDINANCE

Sec. 12-385. Purpose.

(a) The purpose of this article is to establish standards for short-term rentals of privately owned single-family residential structures used as rented to transient occupants, minimize adverse effects of short-term rental uses on surrounding residential neighborhoods, and preserve the character of neighborhoods.

(b) This article is not intended to regulate hotels, motels, inns, but not limited to, boarding houses, lodging houses, or rooming houses.

(Ord. No. 2022-03, §1, 3-14-2022)

Sec. 12-386. Applicability.

(a) It shall be unlawful for any owner of any property within the incorporated areas of Cleveland to rent or operate a short-term rental of residentially zoned property contrary to the procedures and regulations established in this article, other provisions of this Code, or any applicable state law.

(b) The restrictions and obligations contained in this article shall apply to short-term rentals at all times during which such homes are marketed and used as short-term rentals.

(c) The allowance of short-term rentals pursuant to this article shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.

(Ord. No. 2022-03, §1, 3-14-2022; Ord. No. 2026-01, 6-15-2026)

Sec. 12-387. Definitions.

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

City manager means the city manager, which also acts as the daily operations contact for the city, or designee.

City director of economic development and planning means the city *director of economic development and planning*, which also acts as the daily operations contact for the city, or designee.

Managing agency or agent means person, firm or agency representing an owner or owners of a short-term rental.

Noise regulations means those regulations contained in article II of chapter 36, division 5: Noise, of the Cleveland Code of Ordinances.

Owner means a person that holds legal and/or equitable title to private property.

Private means intended for or restricted to the occupants and/or guests of his or her short-term rental; not for public use.

Property means a residential legal lot of record on which a short-term rental is located.

Rental term means the period of time a responsible person rents or leases a short-term rental.

Residential zoning district means a district that is designated as residential under the City of Cleveland Zoning Ordinance for use of short-term rental which includes R-1, Residential District, R-2, Multi-Family Residential, and R-3, Residential-Agricultural District. Apartments in any district are excluded for use of short-term rental.

Responsible person means an occupant of a short-term rental who is at least 21 years of age and who is legally responsible for ensuring that all occupants and/or guests of the short-term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short-term rental.

Short-term rental means an accommodation for transient guests, where in exchange for monetary compensation, a residential dwelling unit is provided for the purpose of overnight lodging for a period of no more than 24 consecutive nights. Apartments are excluded-for the use of short-term rental.

(Ord. No. 2022-03, §1, 3-14-2022; Ord. No. 2026-01, 6-15-2026)

Sec. 12-388. Property owners, local contact person, and responsible person.

(a) *Property owners.* The owner and/or local contact person shall use reasonably prudent business practices to ensure the short-term rental is used in a manner that complies with all applicable laws, rules, and regulations pertaining to the use and occupancy of the subject home, and shall further use reasonably prudent business practices to ensure the occupants and/or guests of the home do not create noise in violation of the noise regulations of this Code or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation or create a nuisance pertaining to the use and occupancy of the subject home.

(b) *Local contact person.*

(1) Each owner of a short-term rental shall designate a local contact person who has access and authority to assume management of the short-term rental and take remedial measures while the short-term rental is being rented to an occupant and/or guest. The owner may serve as the local contact person.

(2) The local contact person shall be at least 21 years of age;

(3) There shall be only one designated local contact person for a short-term rental at any given time;

(4) The local contact person shall be required to respond to the location of the short-term rental 24 hours a day, seven days a week, and after being notified by Cleveland of the existence of a violation of this article or any other provision of the City Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short-term rental;

(5) An owner may retain a managing agent, managing agency, operator, or representative to serve as the local contact person to comply with the requirements of this section, including, without limitation, the permitting of the short-term rental, the management of the short-term rental, and the compliance with the conditions of the short-term rental permit. The owner of the short-term rental is responsible for compliance with the provisions of this section and the failure of an agent, representative, or local contact person to comply with this section shall be deemed noncompliance by the owner; and

(6) The owner must immediately notify the city manager, or designee, in writing upon a change of local contact person or the local contact person's telephone number and pertinent contact information. This notification will be on forms prescribed by the Permitting Department. The new, (or), revised business short-term rental permit will not extend beyond the expiration date of the original short-term rental

permit, will be issued for a fee of $25.00, and must be posted in the home within ten days of any change of local contact person information and before occupants can rent or occupy the short-term rental.

(c) *Responsible person.* Every short-term rental shall be rented to a designated responsible person. The owner of the short-term rental is responsible for compliance with the provisions of this article, and the failure to designate a responsible person prior to the occupancy of a short-term rental shall be deemed noncompliance by the owner.

(Ord. No. 2022-03, §1, 3-14-2022; Ord. No. 2026-01, 6-15-2026)

Sec. 12-389. Business license, permit and transferability.

(a) *Required business licenses and permits:*

(1) The owner shall pay the required business license and shall comply with all applicable provisions of article II of chapter 12 of this Code for business license and regulations;

(2) No owner or local contact person of a short-term rental shall rent, lease, or otherwise exchange for compensation for all or any portion of such home without first obtaining a short-term rental permit, business license and certificate of taxing authority from the city;

(3) A separate short-term rental permit shall be required for each residential structure used for short-term rental;

(4) A short-term rental permit application shall be denied if the applicant has had a prior short-term rental for the same home revoked within any 12-month period;

(5) No short-term rental permit shall be issued for apartments;

(6) An owner of a short-term rental, or their designated representative, shall submit an application for a short-term rental permit to the city on an annual basis. The application shall be furnished on a form specified by the city, accompanied by a non-refundable permit fee as established in this section. Such application shall include:

a. The complete street address of the short-term rental; and

b. Ownership information, including the name, address, e-mail address, and telephone number of each person or entity with an ownership interest in the property; and

c. The name, address, telephone number, and email address of the local contact person for the short-term rental;

d. The number of bedrooms and approximate square footage in the short-term rental, and the maximum number of overnight and daytime occupants, as allowed by this article;

e. A code compliance verification form, certifying that all designated bedrooms, including egress from all designated bedrooms, meet safety code requirements;

f. Acknowledgment that the owner and local contact person have read all regulations pertaining to the operation of a short-term rental;

g. Acknowledgement that the owner or local contact person has or will post, at the short-term rental a notice of safety requirement and instructions; and,

h. Certification that property is comprehensively insured specifically for use of short-term rental.

(7) Any false statements or information provided in the application are grounds for denial or revocation of a permit, including the denial of future applications.

(b) *Permit fee/renewal.*

(1) All application fees and business license for short-term rental shall be as provided in the city fee schedule and shall be posted in the building inspection department.

The short-term rental permit application shall be accompanied by an initial permit application fee and be subject to an annual renewal fee every year thereafter. The business license for short-term rental shall be renewed annually at the same time.

(2) All permits granted under this article shall expire on December 31 of each year. Applicants shall file a renewal application accompanied by the requisite renewal fee with the city on or before the November 30th of each year without penalty. If an application is submitted after November 30th, a new application shall be required, as renewal of eligibility will not be considered past this date.

(3) The short-term rental permit is not transferrable and should ownership of a unit change, a new permit application shall be required.

(c) All short-term rental permits issued pursuant to this article are subject to the following standard conditions:

(1) The owner or local contact person shall, by written agreement with the responsible person, limit overnight occupancy of the short-term rental to the specific number of overnight occupants designated in the short-term rental permit application;

(2) Any advertising of the short-term rental shall conform to information included in the short-term rental permit and requirements of this article, and shall include notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise;

(3) Occupancy for short-term rentals. The number of overnight occupants shall not exceed 15 overnight persons total. All occupants, regardless of age, are counted as persons;

(4) A bedroom shall be a room that is designed to be or meets all applicable building code requirements.

(5) Prior to permitting occupancy of a short-term rental by a transient occupant, the owner or the local contact person shall: (a) obtain the name, address, and a copy of a valid government identification of the responsible person; (b) provide information about the short-term rental regulations to the responsible person; and (c) provide and require that such responsible person execute a formal certification that he or she:

a. Has read the pertinent regulations; and

b. Understands all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental, including, but not limited to, the city's noise and nuisance regulations; and

c. Understands that they are bound to all applicable laws, rules, and regulations; and

d. Agrees to comply with all applicable laws, rules, and regulations, and agrees to be legally responsible for compliance by all occupants and/or guests of the home with all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental, including, but not limited to, to the city's noise regulations.

This information shall be maintained by the owner or the local contact person for a period of three years and be made readily available upon request of any officer or employee of the city responsible for the enforcement of any provision of this Code or any other applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental;

(6) Parked vehicles:

a. Shall be limited by written agreement between the owner or local contact person and the responsible person to the number designated in the short-term rental permit application. A

watercraft, travel trailer, or any other recreational trailer which is pulled by a motorized vehicle shall be counted as a separate vehicle when referenced in this article of the Code;

b. Shall not be parked on the city right-of-way or along any roadways or on neighboring property at any time; and,

c. Shall be parked only on designated hard surfaced areas.

(7) The owner and/or local contact person shall use best efforts to ensure that the occupants and/or guests of the short-term rental do not violate the noise regulations set forth in City Code by notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating laws regarding their occupancy. Any violation of the noise regulations by a guest at a short-term rental shall be considered a violation under this article. It is not intended that the owner and/or local contact person act as a peace officer or place themselves in harm's way;

(8) The owner and/or local contact person of the short-term rental shall post a copy of the short-term rental permit and a copy of the conditions set forth in this article in a conspicuous place within the short-term rental.

(d) *Transferability.* No short-term rental permit issued under this article shall be transferred or assigned or used by any person other than the owner or local contact person to whom it is issued, or at any location other than the one for which it is issued.

(e) *Abandonment.* The abandonment or failure to use a residence as a short-term rental for a period of 12 consecutive months for any period shall be deemed an abandonment of the short-term rental use and the owner shall be required to obtain a new short-term rental permit for the property.

(Ord. No. 2022-03, §1, 3-14-2022; Ord. No. 2026-01, 6-15-2026)

Sec. 12-390. Standard operational requirements and conditions.

(a) Posted information notice:

(1) Each short-term rental shall have a clearly visible and legible notice conspicuously posted within the short-term rental on or adjacent to the front door, containing the following information:

a. The name of the owner and local contact person of the short-term rental, and a telephone number at which that party may be reached on a 24-hour, seven days a week, basis;

b. The name and address of the nearest hospital;

c. The maximum number of overnight occupants and/or daytime guests permitted to be at the short-term rental;

d. The trash pickup day and notification that trash and refuse shall not be left or stored on the exterior of the property unless it is placed in a curbside container

e. Notification that failure to conform to the parking and occupancy requirements of the short-term rental is a violation of this article; and

f. The times that quiet hours are to be observed per the City Code. Any failure to comply with the noise regulations is a violation of the City Code.

(b) *Occupancy.* The number of overnight occupants and/or daytime guests at the short-term rental shall comply with all applicable provisions of section this Code.

(c) *Parked vehicles.* All parked vehicles at the short-term rental shall comply with all applicable provisions of section of this Code.

(d) *Life safety and sanitation.*

(1) Short-term rentals require an annual site inspection by the fire department to ensure compliance with all life safety and fire codes.

(2) Private swimming pools shall comply with the current International Swimming Pool and Spa Code.

(3) The owner and/or local contact person shall maintain a street address number at the driveway entrance that is visible from the street at all times and meets city and county 911 emergency requirements.

(4) Trash and sanitation for short-term rentals shall comply with all city requirements for sanitation.

(e) *Application.* The city staff shall develop and maintain an application form for short-term rental permits.

(Ord. No. 2022-03, §1, 3-14-2022; Ord. No. 2026-01, 6-15-2026)

Sec. 12-391. Suspension or revocation of permit.

Immediate suspension, revocation, or forfeiture of an issued permit by the mayor and city council shall occur only after notice and opportunity for a hearing before the mayor and city council consistent with the procedures set forth in this Code and only upon the following occurrences:

(1) Any short-term rental permit issued under this article for the operation of a short-term rental shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the owner or subject short-term rental property.

(2) A short-term rental permit shall be immediately suspended or revoked by the mayor and city council upon learning that an applicant furnished fraudulent or untruthful information in the application for a permit, or omits information required in the application for a permit, or fails to pay all fees, taxes, or other charges imposed under the provisions of this article.

(Ord. No. 2022-03, §1, 3-14-2022)

Sec. 12-392. Violation and penalties.

(a) Any violation of this article other than those items set forth in section, shall subject the permitted individual to the following progressive actions:

(1) The first violation within a consecutive 12-month period shall result in a fine in Cleveland Municipal Court not to exceed $250.00 and a written warning notice of violation upon a finding of guilt or plea in Cleveland Municipal Court.

(2) The second violation within a consecutive 12-month period shall result in a fine in Cleveland Municipal Court not to exceed $500.00 and a permit suspension for a period of not less than 30 days nor more than 90 days upon a finding of guilt or plea in Cleveland Municipal Court.

(3) The third violation within a consecutive 12-month period shall result in a fine in Cleveland Municipal Court not to exceed $1,000.00 and the revocation of the short-term rental permit upon a finding of guilt or plea in municipal court, and the owner or local contact person shall not be eligible to reapply for a permit for a period of 12 months from the date of revocation.

(b) Any violation of the provisions of this article by occupants and/or guests of the short-term rental shall be enforced in Cleveland Municipal Court to the full extent authorized by O.C.G.A. 36-1-20, with a finding of guilt or plea by the occupants and/or guests subjecting the permitted individual to the same administrative

sanctions as set forth in this section. Enforcement actions may be brought against occupants and/or guests of a short-term rental for violations of this article and any other provision of this Code notwithstanding that this section may also make the owner or local contact person of the short-term rental responsible for the conduct constituting the violation.

(c) Failure of the owner or local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this article. It is not intended that an owner or local contact person act as a peace officer or be placed in an at-risk situation.

(d) In addition to the penalties described above, any person violating the provisions of this article by operating a short-term rental without a valid short-term rental permit may be prosecuted according to the general penalties described in of this Code.

(Ord. No. 2022-03, §1, 3-14-2022; Ord. No. 2026-01, 6-15-2026)

Sec. 12-393. Enforcement.

(a) Penalties, including a notice of violation, shall be imposed, and short-term rental permits shall be revoked, in the manner provided in this subsection.

(1) Any complaints received by the city regarding a short-term rental shall result in a notice of the complaint being directed to the local contact person designated in the short-term rental permit. The local contact person shall be responsible for contacting the responsible person to correct the problem within one hour. The local contact person is required to visit the property to confirm compliance with this article, unless compliance can reasonably be confirmed without visiting the property.

(2) The city director of economic development and planning or designee shall conduct an investigation whenever there is reason to believe that an owner and/or local contact person has failed to comply with the provisions of this article. The investigation may include an inspection of the premises, review of law enforcement/security reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video all of which may constitute evidence of a violation. Should the investigation support a finding that a violation occurred, the city director of economic development and planning shall issue written notice of the violation and intention to impose a penalty and/or revoke the short-term rental permit. The written notice may be served either by email or certified mail, and shall specify the facts which, in the opinion of the city director of economic development and planning, constitute grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or that the short-term rental permit will be revoked 15 calendar days from the date of the notice unless the owner and/or local contact person files with the city director of economic development and planning a request for an appeal hearing before the mayor and city council.

(3) The city director of economic development and planning or designee is hereby authorized and directed to establish such procedures as may from time to time be required to carry out the purpose and intent of this section. The Cleveland Police Chief or designee shall also have authority to enforce this section.

(Ord. No. 2022-03, §1, 3-14-2022; Ord. No. 2026-01, 6-15-2026)

Sec. 12-394. Hearing on denial, suspension or revocation.

(a) Upon receipt of a timely appeal (accompanied by a fee of $250.00 made payable to Cleveland, Georgia) of an administrative denial, upon presentation of evidence to the city director of economic development and planning of a violation of this article, or upon a showing of any of the other occurrences set forth in the Code, the city director of economic development and planning shall schedule a hearing before the mayor and city

council and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The city director of economic development and planning shall also state in the written notice the basis for the administrative 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 attorney and the adverse party and/or counsel for the adverse party.

(b) The mayor and city council shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a permit. 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 evidence presented at the hearing.

(c) At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made and present a defense.

(d) At the conclusion of the hearing, the findings and conclusions of the mayor and city council shall be forwarded to the city director of economic development and planning, and it shall be the duty of the city director of economic development and planning to provide written notification via email or certified mail to the adverse party of the decision of the mayor and city council.

(e) The decision of the mayor and city council shall be final unless appealed to the superior court of White County within 30 days of receipt of the city director of economic development and planning 's written notification to the adverse party of the board's decision.

(Ord. No. 2022-03, §1, 3-14-2022; Ord. No. 2026-01, 6-15-2026)

Secs. 12-395—12-399. Reserved.

ARTICLE VII. HOTELS OR MOTELS

Sec. 12-400. Purpose and definitions.

(a) (a) *Purpose.* The purpose of this article is to ensure and provide for the protection of the health, safety and welfare of hotel guests, residents of the city, and all visitors to the city. The requirements of this article apply to those who occupy, visit, patronize, frequent, operate, keep, conduct, or own a hotel within the city regardless of the date of the hotel's date of construction. This article is essential to the public's interest, safety, health, and welfare, and this article shall be liberally construed to effectuate its purposes.

(b) *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:

Employee shall mean a person employed for wages, salary or other consideration by an owner or operator of a hotel within the city.

Guest shall mean a person who is not a patron, but who is present on the premises of a hotel, as the guest of:

(1) A patron of the hotel, and

(2) The operator of the hotel has been notified of, or is otherwise aware of, his or her presence at the hotel.

Hotel shall mean

(1) The term "hotel" means any structure or any portion of any structure primarily engaged in the business of providing temporary lodging, known generally to the public as a hotel or a motel, and including, but not limited to, any hotel, motel, lodginghouse, rooming house, dormitory, Turkish bath, bachelor hotel, studio, motor hotel, auto court, inn, bed and breakfast, public club or private club containing guest rooms and which is occupied or is intended or designed for occupancy by patrons and guests in exchange for rent, whether rent is paid in money, goods, labor, or otherwise.

(2) The term "hotel" shall not mean any jail, hospital, asylum, sanitarium, orphanage, prison, detention center, or other building in which human beings are detained under legal restraint.

Operator means any person operating a hotel in the city, including, but not limited to the owner, keeper or proprietor of such premises, the lessee, sublessee, lender in possession, licensee or any other person otherwise operating such hotel or motel.

Patron shall mean any person who, for a consideration to the owner, operator, keeper or proprietor of a hotel, 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 other agreement, or otherwise.

Vehicle is any car, truck, trailer, motorcycle, or other machinery used for transporting people or goods and is normally required to be registered with the state in order to be legally operated or towed on a public roadway.

Visitor shall mean a person who is not a patron or guest of the hotel, but who is on the premises of a hotel at the invitation of a patron or guest.

Sec. 12-401. Permitting.

The construction and operations of all hotels/motels within the city limits of Cleveland, Georgia must also comply with all requirements of chapter 34, land development code.

(Res. No. 2022-13, 11-17-2022)

Sec. 12-402. Occupation, time limits.

(a) No individual patrons or guests shall register, reside in, or occupy any room or rooms within a hotel or motel for more than a 14-day consecutive day period, except in the event of the approval of a variance, which approval shall be determined on a case-by-case basis by the city council. As specified in City Code section 12-364, and pursuant to O.C.G.A. § 48-13-51(b)(2), an excise tax at the rate of eight percent of the rent paid is levied for the occupancy of any room or rooms, lodging or accommodations, up to 14 consecutive days. Occupancy of a room or rooms for more than a 14-day consecutive day period is not permitted, except upon approval by the city council, as authorized in this Code section. Once a 14-day consecutive period has elapsed, neither a patron, nor a guest of that patron, may re-register in that hotel within the next 30 days.

(b) Up to two rooms within a hotel or motel (but no more than two) may be utilized by a hotel or motel owner/operator for use by employees. However, in any such event where an employee is utilizing such accommodations, the hotel/motel owner shall keep a record of the same information that hotels and motels are required under this article to obtain and maintain from patrons and guests of the hotel/motel; and in such event that any employee is to occupy a room for more than a 14-day consecutive period, such information must be provided to the city of such occupancy, and all requirements of this article must be met by the hotel/motel owner/operator.

(a) *Occupation Limitations.*

(i) No patron or guest shall register, reside in, or occupy any room or rooms within a hotel or motel for more than fourteen (14) consecutive days, except upon approval of a waiver granted in accordance with this section.

(ii) Absent a waiver granted in accordance with this section, after a 14-day consecutive period of occupancy has elapsed, neither a patron, nor a guest of that patron, may re-register in that hotel within the next thirty (30) days.

(iii) In accordance with City Code section 12-364 and O.C.G.A. § 48-13-51(b)(2), an excise tax at the rate of eight percent of the rent paid is levied for the occupancy of any room or rooms, lodging or accommodations, up to fourteen (14) consecutive days.

(iv) Notwithstanding the above occupancy limitations, up to two rooms within a hotel (but no more than two) may be utilized by a hotel for use by employees of the hotel. However, in any such event where an employee is utilizing such accommodations, the hotel operator shall keep a record of the same information that hotels are required under this article to obtain and maintain from patrons and guests of the hotel; and in such event that any employee is to occupy a room for more than a 14-day consecutive period, information of such occupancy must be provided to the Chair of the Hotel Waiver Committee, and the hotel operator must continue to meet all other requirements of this article.

(b) *Waiver Authority and Waiver Committee.*

(i) Waivers permitting occupancy beyond fourteen (14) consecutive days may only be approved by a majority of a quorum of the Hotel Waiver Committee.

(ii) The Hotel Waiver Committee shall consist of the following members:

1. The chief of police;
2. The fire chief;
3. The director of planning & economic development; and
4. The city manager, who shall serve as Chair.

(iii) Three members of the Hotel Waiver Committee shall constitute a quorum. Approval of an application for a waiver shall require an affirmative vote of a majority of a quorum of the Hotel Waiver Committee. In the event of a tie vote on an application, the application shall be deemed denied.

(iv) In the event that one or more of the committee members are unavailable, due to vacancy of the position, scheduling conflicts, or otherwise, to consider an application for a waiver during the required time frame, the mayor shall designate another department head(s) to serve on the Hotel Waiver Committee for purposes of considering that application.

(c) *Waiver Application.*

(i) An operator may submit an application for a waiver of the consecutive occupancy limits set forth in this section. Any such application must be submitted in writing to the Chair of the Hotel Waiver Committee, or in the Chair's absence any member of the Hotel Waiver Committee, at least three (3) business days prior to the expiration of the fourteenth (14th) consecutive day of occupancy.

(ii) The Committee shall have full authority to review, approve, conditionally approve, or deny waiver applications and shall comply with procedural rules that the Committee establishes for the purpose of review and consideration of such applications. The Committee shall have discretion to approve waivers for a time period other than that requested by the applicant and attach conditions to an approval as it deems appropriate.

(iii) The Committee shall issue and communicate to the applicant its decision on any properly submitted application for waiver prior to the expiration of the fourteenth (14th) consecutive day of occupancy.

(iv) Waivers shall only be granted under extraordinary circumstances where enforcement of the limitation would create an undue hardship on the operator, patron, or guest, and where such extension does not conflict with the purpose and intent of this section.

(d) *Appeals of Waiver Decisions.*

(i) If an operator disagrees with the decision of the Hotel Waiver Committee, the decision may be appealed to the city council by delivery of a written notice of appeal of the decision within five (5) calendar days of the Committee's decision. The written appeal shall state the specific reasons or justifications for the appeal and shall detail the extraordinary circumstances that justify an extension of the limitation.

(ii) The appeal shall be heard at the next meeting of the city council and the Chair of the Hotel Waiver Committee shall present an overview of the appeal and the Hotel Waiver Committee's findings and decision to the city council. The city council shall approve, reverse, or modify the decision on the application at said hearing. A failure to affirmatively reverse or modify the decision shall constitute an approval of the decision on the application.

(iii) The city council may, in its sole discretion, choose to waive violations and associated penalties that may otherwise accrue for violation of this section during the pendency of a properly instituted appeal under this section. Violations and associated penalties are not automatically stayed for purposes of an appeal under this section.

Sec. 12-403. Responsibilities, access, and registration requirements for hotel/motel operators.

(a) Every owner, operator, keeper or proprietor of any hotel shall, without delay, report violations of law to the city police department that were either witnessed or made known to them by an employee, patron, guest, visitor or other person on the premises.

(b) Every owner, operator, keeper or proprietor of any hotel shall, at all times during which the premises accommodates patrons, guests, or visitors, maintain on duty a responsible front desk clerk capable of assisting, communicating, and cooperating with the police or other law enforcement officials, fire department and EMS officials in maintaining the public health, welfare, and safety, including without limitation communications regarding occupancy in the hotel, the identification of patrons and guests, and information required to be maintained by this section.

(c) Any federal, state, or local sworn law enforcement officer having the lawful power to arrest may make a request for inspection of the information required to be maintained under this section. If the hotel operator declines to provide the information pursuant to such a request, the hotel operator shall then be required to secure the system in the presence of an officer in a manner directed by the officer. The operator shall then be required to ensure that no one tampers with records until such time as a subpoena, warrant or court order has been issued or denied. Nothing in this subsection shall be construed as giving an officer any greater right or license to enter a room or invade privacy than the officer shall otherwise possess as a matter of law, probable cause, constitutional law, statutory right, or warrant, nor is it intended to restrict an officer's rights in situations where exigent circumstances exist.

(d) Every owner, operator, keeper or proprietor of any hotel shall make and keep a record of all rental agreements, as they are secured, between the hotel and all patrons and for employees utilizing rooms for lodging. For the purposes of this section, the term "record" shall mean the hotel's guest registration system which stores patron and guest identifying information, whether in electronic or paper format. The owner,

operator, manager, or authorized representative of each lodging establishment is responsible for ensuring the accuracy and timely submission of all required reports.

(i) Each hotel/motel paper record (folio) should be stamped with a sequential number, and the reservation book should note that number, so that they mirror one another. Each room rented should have a separate reservation record and anyone over the age of 18 staying in that room should be listed on the paper record and identification attached. If a patron reserves two rooms, each guest, over 18, should be listed on the paper record.

(ii) Each hotel, motel, inn, or other lodging establishment shall submit a Monthly Sales Report to the designated authority no later than the 20th day of the month following the reporting period.

1. The Monthly Sales Report shall include, at a minimum:
    1. Total gross room revenue for the reporting month.
    2. Total number of room nights sold.
    3. Total occupancy percentage for the month.
    4. Applicable taxes collected and remitted.
    5. Failure to submit the Monthly Sales Report by the required deadline may result in follow-up inquiries, compliance reviews, penalties, or other actions as authorized by applicable regulations.

(e) The following information, at a minimum, must be recorded in the guest registration system at the time of registration and maintained for a period of no less than 180 days after the rental agreement's termination:

(i) The full name, phone number, and home address of each patron;

(ii) The total number of occupants (patrons and guests) registered in each room;

(iii) The room number assigned to each patron;

(iv) The day, month, year and time of arrival of each patron;

(v) The day, month, year each patron and guest are scheduled to depart;

(vi) The rate charged and amount collected for rental of the room at the time of check-in;

(vii) The method of payment for each room; and

(viii) The make, model, color, license plate number, and license plate state of each patron and guest's vehicle if the vehicle(s) will be parked on the premises.

(f) Every owner, operator, keeper or proprietor of any hotel or motel shall require each patron, over the age of 18, to provide proper identification prior to renting a room. Proper identification is defined as a current and valid government issued photo identification card such as a driver's license, military identification card, state identification card, or passport. A record and a photocopy of the provided identification shall be kept on file for the duration of the occupancy and for 180 days thereafter.

(g) No person shall procure or provide lodging in any hotel or motel, or any services therefrom, through misrepresentation or production of false identification, or identification which misrepresents the identity of the person procuring or sharing in such lodging or service.

(h) Hotel operators are required to comply with City Code section 12-402, and sections 12-362 through 12-378 related to lodging tax requirements.

(Res. No. 2022-13, 11-17-2022; Ord. No. 2026-01, 6-15-2026)

Sec. 12-404. Vehicles, parking, and registration.

(a) All patrons and guests who wish to park a vehicle on hotel premises must register said vehicle with the hotel operator upon initial registration, during any future re-registration, or at any time after registration when they begin parking a vehicle on hotel premises. Hotel operators must record the vehicle's information in accordance.

(b) Every owner, operator, keeper or proprietor of a hotel must provide patrons and guests registering a vehicle with a standardized placard that must at all times be hung from the vehicle's rear view mirror, placed on the vehicle's front dash, or affixed to the vehicle in a way that can be easily seen. At a minimum, the placard will contain the following information: hotel name, vehicle registration number and state, and date of check-out. Any hotel with gated and controlled access parking accessible only to employees and registered guests are exempt from this subsection (b).

(c) All vehicles of patrons, guests and visitors must be parked in designated parking spaces or parking area, including areas designated for oversized vehicles or trailers

(d) All hotel accessible parking must be in compliance with state and local laws.

(e) All vehicles parked on any hotel's premises must be in good working order.

(f) Vehicle maintenance in hotel parking lots is prohibited.

(Res. No. 2022-13, 11-17-2022)

Sec. 12-406. Smoking.

(a) Smoking is prohibited in all hotel spaces with the exception of designated smoking rooms. Designated smoking rooms shall comprise no more than 20 percent of the total rooms available for rent.

(b) Smoking is prohibited in interior hallways, exterior breezeways, stairwells or within 25 feet of any guest room.

Sec. 12-407. Video surveillance systems.

(a) For the purpose of this section, "video surveillance system" (VSS) means a continuous digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR) which has been approved by the Chief of Police or his/her designee in accordance with this section.

(b) All hotels are required to install, operate, and maintain a VSS in accordance with this section.

(c) All VSS shall be maintained in proper working order at all times, be kept in continuous operation 24 hours a day, seven days a week, and meet the minimum technological standards established in this section. The hotel shall retain the continuous digital images recorded by this system for no less than 180 days.

(d) All VSS shall have no less than one camera dedicated to each register or check-out stand, entrance/exit, interior/exterior hallway, stairwell, and lobby, swimming pool area, exercise facility, loading dock, and parking lots or areas designated for customer and/or employee parking use. The placement of cameras included in VSS required under this section must be approved by the police department. The Chief of Police or his/her designee will conduct an assessment of each site required to install a VSS prior to installation of said system, and upon approval will issue an approval notice which will be placed in plain view inside the various common areas of the hotel or motel. This approval notice will also inform customers and employees of the presence of the VSS.

(e) The VSS shall be subject to regular inspection by the Chief of Police or his/her designee, who is authorized to inspect any such system at reasonable times to determine whether it conforms with this section. If the VSS does not conform, the hotel in question shall take immediate steps to bring the system back into compliance.

Sec. 12-408. Loitering.

All hotel operators will advise patrons and guests, in writing upon registration, that loitering on or about the common areas of hotel property by patrons, guests and their visitors is prohibited.

No person(s) shall loiter in or upon any hotel parking lot, parking structure or in or around any building to include breezeways, stairwells or hotel either on foot or in or upon any conveyance being driven or parked thereon, without the permission of the owner, operator, keeper or proprietor or the hotel.

Sec. 12-409. Violations and penalties.

Any person or other entity violating the provisions of this article shall be punishable by a fine not to exceed $1,000.00 per violation or by imprisonment for a period not to exceed 180 days, or by both such fine or imprisonment. Such persons shall be guilty of a separate offense for each and every day during which any violation of any provision of this article is committed, continued, or permitted by that person and shall be punished accordingly.

Sec. 12-410. Authority to enforce.

(a) Sworn officers of the city police department, fire department and civilian employees of the city designated by the city manager shall have the authority to inspect establishments governed under this section during the hours in which the premises are open for business.

(b) These inspections shall be made for the purpose of verifying compliance with the requirements of this article and with state law.

Sec. 12-411. Unlawful operation declared nuisance.

(a) Any hotel operated, conducted or maintained contrary to the provisions of this article may be declared to be unlawful and a public nuisance. The city may, in addition or in lieu of all other remedies, commence actions or proceedings for abatement, removal, or enjoinment thereof, in the manner provided by state law and the City of Cleveland Code of Ordinances

(b) No hotel shall operate at any location or on any premises which does not comply with all zoning, building code, fire safety code and other ordinances and laws of the city and state.

(Res. No. 2022-13, 11-17-2022)

Chapter 14 CEMETERIES[5]

ARTICLE I. IN GENERAL

Secs. 14-1—14-18. Reserved.

ARTICLE II. REGULATIONS

Sec. 14-19. Authority of city council to adopt, repeal, and change rules.

The city council may from time to time adopt rules governing cemeteries within the city limits, including, but not limited to, rules governing interment, maintenance, monuments and markings, construction of walks and walls, and annual and perpetual care and maintenance, planting shrubbery and flowers, and such other rules that may be deemed wise in the judgment of the council.

(Comp. Ords. 1970, § 6-101)

Sec. 14-20. Maintenance; authority to employ necessary personnel.

The city council may provide for and secure the employment of such personnel as it may deem necessary for effective maintenance and care of city cemeteries. Compensation for such employees shall be set by the city council.

(Comp. Ords. 1970, § 6-102)

Sec. 14-21. Exhumation permit required.

No person shall exhume or remove any corpse in cemeteries of this city without notice to the city council, a court order authorizing exhumation and notice from the county coroner.

(Comp. Ords. 1970, § 6-105)

Sec. 14-22. Opening graves; persons permitted to open.

No grave in city cemeteries shall be opened for the purpose of disinterment except by the cemetery administrator of city cemeteries or employees working under the cemetery administrator and only upon notice to the city council as herein provided.

(Comp. Ords. 1970, § 6-106)

[5]State law reference(s)—Cemetery and Funeral Services Act, O.C.G.A. § 10-14-1 et seq.; abandoned cemeteries and burial grounds O.C.G.A. § 36-72-1 et seq.; grants to municipalities for improvement and preservation of cemeteries or burial lots, O.C.G.A. § 36-37-4.

Sec. 14-23. Monuments to have secure foundations.

Each and every person erecting or causing to be erected any monument or gravestone within city cemeteries shall have first laid out, of brick or stone and in mortar or cement, a firm foundation, so that such monument or gravestone, when thus erected, shall not fall, sink, or lean.

(Comp. Ords. 1970, § 6-107)

Sec. 14-24. Prohibited acts.

The following acts are positively prohibited in city cemeteries: discharging firearms, turning hogs, cattle, or other livestock loose in city cemeteries, injuring or defacing in any way the trees, flowers, shrubbery, graves, tombstones, monuments, seats, buildings, or structures of any kind in city cemeteries, or committing a nuisance or depositing trash or refuse matter. Nothing in this section shall be construed to prohibit the discharge of firearms for purposes of military or law enforcement ceremonies.

(Comp. Ords. 1970, § 6-108)

Sec. 14-25. Livestock impounding.

Any horses, cattle, hogs, or other livestock found running at large within city cemeteries shall be impounded by the in coordination with Animal Control and the police, subject to the charges and penalties imposed when same are found at large in the streets of the city.

(Comp. Ords. 1970, § 6-109; Ord. No. 2026-01, 6-15-2026)

Chapter 16 COURTS[6]

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

[6]State law reference(s)—Municipal courts, O.C.G.A. § 36-32-1 et seq.; appointment of judges of municipal courts, O.C.G.A. § 36-32-2; powers of municipal court judges in criminal cases, O.C.G.A. § 36-32-3; alternative sentences by municipal courts, O.C.G.A. § 36-32-5; jurisdiction of municipal court, O.C.G.A. § 36-32-6 et seq.; training courses for judge of municipal court, O.C.G.A. § 36-32-11; municipal court clerk training, O.C.G.A. § 36-32-13.

ARTICLE II. MUNICIPAL COURT

Sec. 16-19. Name; court schedule.

The city municipal court, created by the city Charter, shall be convened at regular intervals and at such other times as may be determined by the judge. A court schedule shall be published and made available to the public, either at city hall or the municipal court office.

Sec. 16-20. Jurisdiction; powers.

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

(b) The court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine as authorized by law or ten days in jail.

(c) The court may fix punishment for offenses within its jurisdiction, not to exceed a fine of $1,000.00, or imprisonment for six months, or both a fine and imprisonment, or may fix punishment by fine, imprisonment, community service, or any other form of alternative sentencing as now or hereafter provided by law. If state law authorizes punishment in excess of the fine and/or imprisonment specified herein, then the court may impose the greater punishment.

(d) The court shall have authority to establish a schedule of fees to defray its costs of operation and, with regard to prisoners bound over to any superior court for violations of state law, shall be entitled to reimbursement for the actual costs of meals, transportation, general caretaking expenses, court costs, administrative fees, and such other fees as are authorized to be collected by state law as presently enacted or hereafter amended.

(e) The court shall have the authority to establish bail and recognizance to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash, personal or real property as surety for the appearance of persons charged with such violations. Whenever any person gives bond for his appearance and fails to appear at the time fixed for trial, the bond shall be forfeited as provided in O.C.G.A. § 36-32-4.

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

(g) The court shall have the authority to bind defendants over to the appropriate court when it appears by probable cause that state law has been violated, or where a defendant makes a written request for a trial by jury, or under other circumstances in which a transfer is authorized by state law.

(h) The court is specifically vested with all jurisdiction and power throughout the corporate limits of the city as granted generally by law to municipal courts, and particularly by such laws that authorize the abatement of nuisances and prosecution of traffic violations.

(i) Subject to the approval of the mayor and council, the municipal court is further authorized to enter into any contracts or agreements it deems necessary or expedient for certain services, including, but not limited to, housing persons charged with city offenses in other jail facilities, probation and related supervision services, collection of fines, fees, and other delinquent payments, and similar such services.

State law reference(s)—Jurisdiction of municipal court, O.C.G.A. § 36-32-6 et seq.

Sec. 16-21. Certiorari.

The right of certiorari from the decisions and judgments of the municipal court shall exist in all criminal cases, ordinance violation cases, and such other cases in which certiorari is appropriate under state law. Such certiorari shall be obtained under the sanction of a judge of the county superior court, under the state law regulating the granting and issuance of writs of certiorari.

State law reference(s)—When writ of certiorari will lie in superior court, O.C.G.A. § 5-4-1.

Secs. 16-22—16-45. Reserved.

ARTICLE III. MUNICIPAL JUDGE

Sec. 16-46. Qualifications.

The municipal court shall be presided over by a parttime municipal judge and any other standby or substitute judges as may be provided by ordinance. No person shall be qualified and eligible to serve as a judge of the municipal court unless that person:

(1) Has attained the age of 30 years; and

(2) Possesses all other certifications and qualifications as may be required by law.

State law reference(s)—Municipality to set qualifications and compensation of municipal judge, O.C.G.A. § 36-32-2.

Sec. 16-47. Appointment; term; compensation.

The judge of the municipal court shall be appointed by and serve at the pleasure of the mayor and council and shall serve until a successor is duly appointed and qualified. The mayor and council shall fix the compensation of the municipal judge. The municipal judge shall serve at will and may be removed from office at any time by majority vote of the city council, unless otherwise provided by ordinance.

State law reference(s)—Appointment of judges of municipal courts, O.C.G.A. § 36-32-2.

Sec. 16-48. Oath of office.

Before assuming office, the municipal judge shall take an oath, to be administered by the mayor, that he will honestly and faithfully discharge the duties of office to the best of his ability, and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council as maintained by the city clerk.

State law reference(s)—Oath of public officers, O.C.G.A. § 45-3-1.

Sec. 16-49. Authority.

(a) The municipal judge shall have all power and authority conferred upon municipal judges by state law and the city Charter including, but not by way of limitation, the specific additional authority set forth in this section.

(b) The municipal judge may compel the presence of all parties necessary for the proper disposal of each case by the issuance of summons, subpoenas, and warrants, which may be served or executed by any officer as authorized by law of the city Charter.

(c) The municipal judge shall be authorized to issue warrants for the arrest of any person charged with violations of this Code and any ordinances of the city.

(d) The judge shall have the same authority as a magistrate of the state or county to issue warrants for violations of state laws committed within the corporate limits of the city. The judge shall also have the authority to issue warrants for the arrest of persons charged with violating any of the terms or conditions of any sentence of probation imposed upon such persons in the municipal court and revoke any or all of said persons' remaining probated sentence, if those persons are found to have violated the terms and conditions of their probation.

State law reference(s)—Powers of municipal court judges in criminal cases, O.C.G.A. § 36-32-3; jurisdiction, O.C.G.A. § 36-32-6 et seq.

Secs. 16-50—16-71. Reserved.

ARTICLE IV. RULES OF PROCEDURE

Sec. 16-72. Applicability; suspended sentences.

(a) This article governs trials in the municipal court of the city for violations of city ordinances which may be punishable by incarceration or monetary penalty or a combination of both. The punishment imposed for any ordinance violation shall not exceed a fine of $1,000.00 plus all statutory fees allowed by state law or 12 months imprisonment or both, provided that the judge of said municipal court shall probate not less than 120 days of any sentence imposed, except as otherwise provided by general law, and shall not exceed the maximum punishment specified by this article. In the event a sentence is revoked, a defendant shall serve a sentence up to the maximum allowable under state law.

(b) Should the city, in conformity with state enabling statutes, have adopted certain ordinances which provide for larger fines and longer terms of imprisonment than specified in subsection (a) of this section, then the larger fines and longer terms of imprisonment authorized by said enabling statutes and the ordinances adopted in accordance therewith shall control.

(c) The municipal court of the city may suspend the service of the sentence imposed in any case upon such terms and conditions as it may prescribe for the payment of the fine, for performance of community service in lieu of a fine or incarceration, for the payment of restitution to a victim, or for other conditions relating to the underlying offense. Service of the sentence, when so suspended, shall not begin unless and until ordered by the municipal court of the city after a hearing, as in cases of revocation of probated sentences, because of the failure or refusal of the defendant to comply with the terms and conditions upon which service of a sentence was suspended. Service of all or any part of any sentence suspended upon such conditions may be ordered to commence by the municipal court of the city at any time before the expiration of one year from the date of the sentence after a hearing and a finding by said court that the defendant has willfully failed or refused to comply with the terms and conditions upon which service of the sentence was suspended.

(Ord. of 1-8-2007, § 1; Ord. of 2-9-2009(2), § 1)

State law reference(s)—Jurisdiction of municipal court, O.C.G.A. § 36-32-6 et seq.

Sec. 16-73. No right to trial by jury; right of removal to superior court.

There shall be no jury trials in the municipal court of the city. Any defendant who is charged with one or more ordinance violations may, at any time before trial, demand that the case be removed for a jury trial to the county superior court. Such a demand shall be written and served upon the solicitor of the municipal court and filed with the clerk of the municipal court. Upon such a demand, the municipal court of the city shall grant the demand. Failure to demand removal of the case shall constitute a waiver of any right to trial by jury which the defendant may otherwise have.

(Ord. of 1-8-2007, § 2; Ord. of 2-9-2009(2), § 2)

Sec. 16-74. Prosecution upon citation or accusation; service.

(a) Prosecutions for violations of municipal ordinances shall be upon citation as provided in section 16-75 or upon accusation by the attorney designated to prosecute such cases by the mayor and council of the city.

(b) Accusations of violations of ordinances and citations shall be provided to the accused at or prior to arraignment as provided by state law.

(Ord. of 1-8-2007, § 3; Ord. of 2-9-2009(2), § 3)

Sec. 16-75. Use of citations; arrests.

(a) The mayor and council of the city expressly authorize that ordinance violations may be tried upon citations, with or without a prosecuting attorney, as well as upon accusations.

(b) Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the municipal court of the city, shall indicate the identity of the accused and the date of service, and shall be signed by the city agent who completes and serves it. For the purposes of this section, such person who signed the citation shall be deemed the person who issued such citation.

(c) Prosecutions for violations of ordinances upon citations shall be commenced by the completion, signing, and service of a citation by any agent of the city who is authorized by the mayor and council of the city to issue citations. A copy of the citation shall be personally served upon the accused, and the original shall promptly be filed with the municipal court for the city. For the purposes of this section, the mayor of the city, the city building inspector, the city fire marshal, the city code enforcement officer, and any police officer of the city shall be authorized to issue such a citation.

(d) Defendants may be arrested prior to trial pursuant to O.C.G.A. § 17-4-20 for any ordinance violation. Additionally, any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the judge of the municipal court of the city and required to post a bond for his future appearance.

(Ord. of 1-8-2007, § 4; Ord. of 2-9-2009(2), § 4)

Sec. 16-76. Procedures.

Prosecutions of ordinance violations in the municipal court of the city shall follow the procedures set out in the ordinance alleged to have been violated. In the absence of such procedures being set out in the city ordinance alleged to have been violated, then the procedures for the prosecution of such violations in the municipal court of the city shall be in conformity with the general procedures followed in the magistrate court of the county for

violations of resolutions of the county. For the purposes of this section, the term "county resolutions" shall be deemed to include county ordinances.

(Ord. of 1-8-2007, § 5; Ord. of 2-9-2009(2), § 5)

Sec. 16-77. Cash bonds.

(a) The judge of the municipal court of the city may by written order establish a schedule of cash bonds for the personal appearance in municipal court of any person charged with a violation of an ordinance. The judge of municipal court of the city shall designate the officer of the municipal court authorized to accept cash bonds pursuant to the schedule of bonds published by said court. The officer of said municipal court accepting a cash bond shall issue a receipt for the bond to the person posting the cash bond.

(b) Any person who is accused by citation but has not been arrested may, but shall not be required to, give a cash bond for his personal appearance in court for trial. If a person who has given a cash bond fails to appear for trial, the failure to appear shall be deemed to constitute a guilty plea, and such cash bond shall be forfeited upon the call of the case for trial. It shall not be necessary for the city to take any further action to forfeit the cash bond. Forfeiture of a cash bond shall be deemed to constitute imposition and payment of a fine and shall be a bar to a subsequent prosecution of the accused for the violation. The municipal court of the city may, however, in any case enter an order pursuant to which bond forfeiture shall not be deemed to constitute imposition of a sentence, and subsequent prosecution shall not be barred, and in any such case, the amount of the bond forfeited shall be credited against any fine subsequently imposed.

(c) The receipts shall be completed by the officer of the municipal court when accepting a cash bond so as to show the name of the person cited or arrested, the date of citation or arrest, the nature of the offense, the amount of cash bond given, and the name of the receiving officer of the municipal court. The receiving officer of the municipal court shall deliver a copy of the receipt to the person cited or arrested at the time the cash bond is given and shall file the original, together with the cash bond, with the clerk of the municipal court not later than the next succeeding business day following the date of issuance of the receipt. For the purposes of this section, any member of the staff of the office of the city clerk or police department shall be authorized to issue such receipts acting as an ex-officio officer of said municipal court. Receipts issued pursuant to this section may be in the form of a copy of a property receipt form.

(Ord. of 1-8-2007, § 6; Ord. of 2-9-2009(2), § 6)

Sec. 16-78. Execution upon unpaid fines.

(a) The county detention center will receive sentenced persons upon the request of the chief of police.

(b) Execution may issue immediately upon any fine imposed by the municipal court of the city and not immediately paid.

(c) The county detention center will receive and house all persons sentenced to confinement for contempt of court or arrested or sentenced to a period of confinement for violation of ordinances upon the order of the municipal court judge.

(Ord. of 1-8-2007, § 7; Ord. of 2-9-2009(2), § 7)

Sec. 16-79. Certiorari to superior court.

Review of convictions shall be by certiorari to the county superior court.

(Ord. of 1-8-2007, § 8; Ord. of 2-9-2009(2), § 8)

State law reference(s)—When writ of certiorari will lie in superior court, O.C.G.A. § 5-4-1.

Sec. 16-80. Prosecuting attorney.

The city attorney or another attorney designated by the mayor and council of the city may act as prosecutor of criminal law violations or traffic law violations in said municipal court of the city, which attorney may also act under the title of "solicitor" or otherwise, and said attorney shall prosecute any and all violations of the ordinances of the city.

(Ord. of 1-8-2007, § 9; Ord. of 2-9-2009(2), § 9)

Secs. 16-81—16-89. Reserved.

ARTICLE V. OFFICE OF PROSECUTING ATTORNEY OF THE MUNICIPAL COURT

Sec. 16-90. Short title.

This article shall be known as the "Cleveland Office of Prosecuting Attorney of the Municipal Court Ordinance."

(Ord. No. 2012-10, § 1, 9-17-2012)

Sec. 16-91. Findings and intent.

This article is adopted to address requirements made under Georgia law for the city to pass an ordinance or resolution creating the office of prosecuting attorney of the municipal court should the city choose to hire or have a prosecuting attorney of the municipal court. Under state law, in order to have a municipal court prosecutor, the city must pass this ordinance or resolution and provide to the Prosecuting Attorneys' Council of the State of Georgia a copy of the same. The city is also required to submit the name of the person appointed to be the prosecuting attorney of the municipal court within 30 days of such appointment in order to maintain the office of prosecuting attorney of the municipal court. It is therefore the intent of the city to comply with Georgia law, particularly O.C.G.A. Article 5 of Chapter 18 of Title 15, and to enact this article.

(Ord. No. 2012-10, § 1, 9-17-2012)

Sec. 16-92. Establishment of office.

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

(Ord. No. 2012-10, § 1, 9-17-2012)

Sec. 16-93. Qualifications.

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

(Ord. No. 2012-10, § 1, 9-17-2012)

Sec. 16-94. Oath.

The prosecuting attorney of the Municipal Court for the City of Cleveland shall take and subscribe to the following oath:

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

(Ord. No. 2012-10, § 1, 9-17-2012)

Sec. 16-95. Term of office.

Unless otherwise provided by the Charter for the City of Cleveland, the prosecuting attorney for the municipal court shall serve a term of office of one year, [a year running January through December], and is reappointed annually by the mayor and city council.

(Ord. No. 2012-10, § 1, 9-17-2012)

Sec. 16-96. Jurisdiction, duties, and authority.

The Office of Prosecuting Attorney of the Municipal Court for the City of Cleveland shall have the duty and authority to represent the city as defined by the city charter and by state law, particularly as described in O.C.G.A. § 15-18-96.

(Ord. No. 2012-10, § 1, 9-17-2012)

Sec. 16-97. Assistant prosecuting attorney (substitute).

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

(Ord. No. 2012-10, § 1, 9-17-2012)

Sec. 16-98. Ratification.

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

(Ord. No. 2012-10, § 1, 9-17-2012)

Chapter 18 ELECTIONS[7]

Sec. 18-1. Applicability of general law.

All primaries and elections for any elected office in the city, or any other matter that is properly the subject of a municipal election, shall be held and conducted in accordance with general state law governing elections as contained in O.C.G.A. § 21-2-1 et seq.

Chapter 20 EMERGENCY SERVICES[8]

ARTICLE I. IN GENERAL

Sec. 20-1 Purpose and Intent.

The purpose of this Chapter is to establish a comprehensive framework for emergency management, fire protection, rescue services, disaster preparedness, mitigation, response, and recovery operations within the City of Cleveland. This Chapter ensures the protection of life, property, infrastructure, and the environment through clearly defined authority, organized command structure, and adherence to nationally recognized emergency management practices including NIMS and ICS.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-2 Legal Authority.

This Chapter is adopted pursuant to O.C.G.A. Titles 36 and 38.

Sec. 20-3 Guiding Principles.

Emergency operations shall be guided by:

(a) Life safety as the highest priority;

[7]State law reference(s)—Georgia Election Code, O.C.G.A. § 21-2-1; elections and primaries generally, O.C.G.A. § 21-2-1 et seq.; November election, O.C.G.A. § 21-2-9; registration of voters, O.C.G.A. § 21-2-210 et seq.; selection and qualification of candidates, O.C.G.A. § 21-2-130; subversive persons not to be nominated or elected, O.C.G.A. § 21-2-7; persons convicted of certain crimes not to be eligible for nomination or election to public office or to serve as primary or election official, O.C.G.A. § 21-2-8; qualifications and oath of election officers, O.C.G.A. § 21-2-214.

[8]State law reference(s)—Emergency management generally, O.C.G.A. § 38-3-1 et seq.; local organizations for emergency management, O.C.G.A. § 38-3-27; authority to promulgate local rules and regulations, O.C.G.A. § 38-3-28; mutual aid, O.C.G.A. § 36-69-1 et seq.; Disaster Volunteer Leave Act, O.C.G.A. § 38-3-90 et seq.

(b) Responder safety as essential;

(c) Incident stabilization through coordinated command;

(d) Property conservation when consistent with life safety;

(e) Unified Command when agencies overlap;

(f) Decisions based on conditions known at the time;

(g) Professional standards guiding operations.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-4. Definitions.

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

Curfew means a regulation requiring the withdrawal from any person not otherwise exempt from this chapter from appearing in certain public areas during specified hours.

Emergency management means the preparation for the carrying out of all emergency functions other than functions for which military forces are primarily responsible to prevent, minimize, and repair injury and damage resulting from emergencies, energy emergencies, disasters, or the imminent threat thereof, of manmade or natural origin caused by enemy attack, sabotage, acts of domestic or international terrorism, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, radiological action, or other causes. Emergency functions include, without limitation, fire-fighting services; police services; emergency medical services; rescue; engineering; warning services; communications; defense from radiological, chemical, biological, and other special weapons to include weapons of mass destruction; evacuation of persons from stricken areas; emergency welfare services; consequence management functions to include victim services; emergency transportation; plant protection; temporary restoration of public utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

Essential officers and employees means and refers to the mayor, constitutional officers, the police chief, police officers, police and other dispatchers, emergency medical service providers, road department employees and code enforcement personnel.

Exempt individuals, unless otherwise specified in any resolution implementing a curfew, means those individuals engaged in the provision of designated essential services, such as firefighting, law enforcement, emergency medical services and hospital services, military services, and utility emergency repairs. The resolution implementing a curfew may, in the discretion of the city council, also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, and building and repair contractors performing activities related to construction, repair, renovation or improvement of buildings and other structures damaged during the disaster or emergency.

Incident Commander means the Fire Chief or designee for fire/rescue incidents and the Police Chief or designee for law enforcement incidents. Unified Command shall be used when appropriate.

Nonessential employees means all city personnel other than those identified as "essential employees."

Overcharging means charging prices for goods, materials, services, or housing that are substantially in excess of the customary charges or in applicable cases substantially in excess of the supplier's or provider's costs for such goods, materials, services or housing. The existence of overcharging shall be presumed from a substantial increase in the price at which the goods, materials, services, or housing were offered in the usual course of business

immediately prior to the onset of the emergency, but shall not include increases in costs to the supplier directly attributable to higher costs of materials, supplies, and labor resulting from the emergency.

State of emergency means a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency is of sufficient severity and magnitude as to warrant *extraordinary* efforts in preventing or alleviating the damage, loss, hardship or suffering threatened or caused thereby.

Subsequent recovery period means the period of time that the disaster or emergency continues to cause disruptions in the area by the disaster or emergency. The subsequent recovery period shall not exceed six months after the state of emergency declaration by the governor is terminated unless extended by official action of the city council.

State law reference(s)—Similar provisions, O.C.G.A. §§ 36-69-2, 38-3-3.

(Ord. No. 2026-01, 6-15-2026)

Secs. 20-2—20-20. Reserved.

ARTICLE II. EMERGENCY MANAGEMENT AGENCY AND OPERATIONS PLAN

Sec. 20-21. Membership in county agency.

An emergency management agency has been created by the county that includes the city, among other cities within the county. The city hereby adopts the county emergency management plan to the extent applicable with the city, and the adopted plan, as supplemented by the provisions of this article, shall constitute the city's emergency operations plan (EOP). A copy of the county's emergency management plan is available for inspection in the office of the city clerk.

State law reference(s)—Authority for establishment of local emergency management organization, O.C.G.A. § 38-3-27; local director required for state financial assistance, O.C.G.A. § 38-3-27; authority for nomination of local director of emergency management, O.C.G.A. § 38-3-27.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-22. City Emergency Management Coordination.

The Mayor and Council shall appoint the City's Emergency Management Coordinator for purposes of coordinating the City's participation in the county emergency management program.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-23. Emergency management organization.

(a) For purposes of coordinating the city's participation in the county plan, the city council has assigned city departments and personnel to be responsible for certain emergency functions, as follows:

Mayor and city council	Direction and control
Police department	Evacuation; police services

Emergency management agency	Public Information; search, rescue and recovery; resource management; communications and warning; radiological protection; state military support training; preliminary damage assessment and reporting; public property assistance; attack preparedness; specific hazards
Fire department	Fire services; hazardous materials; life safety
Public works	Engineering; petroleum and solid fuel services; utilities; restoring lifeline services, clearing roads/enabling access, supporting evacuations and rescue operations, damage assessment and repair
City health officials	Health and medical services; social services; shelter and temporary housing
City clerk, city manager and finance director	Administrative services

(b) Heads of city departments listed in this section are responsible for developing the plan, in cooperation as necessary with county emergency personnel, for their assigned emergency functions. Such plans will be submitted to the city council for approval.

State law reference(s)—Local organizations for emergency management, O.C.G.A. § 38-3-27.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-24 Incident Command.

Incident Command System (ICS) shall be used at all incidents. ICS shall follow the National Incident Management System directives on Unified Command.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-25 Unified Command Cooperation.

The Fire Chief and Police Chief shall cooperate in Unified Command when incidents overlap.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-26 Scene Authority.

The Incident Commander may establish zones, restrict access, order evacuations, and take protective actions.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-27 Emergency Property Access.

Emergency personnel may enter property when necessary.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-28 Operational Risk Management.

Risk shall be taken to save lives, calculated risk to protect property, and unnecessary risk avoided.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-29 Fire Department Emergency Scene Authority.

Fire Department may establish fire lanes, protect hose lines and hydrants, remove obstacles, establish hazard zones, prevent interference, and take immediate life safety actions.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-30 Police Department Emergency Scene Authority.

The Police Chief shall oversee law enforcement emergency operations.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-31 Scene Security.

Police shall assist with scene security, evacuations, and traffic control.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-32 Enforcement.

Police may enforce curfews, emergency orders, and scene restrictions.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-33. Involvement of subversive persons prohibited; oath of emergency personnel.

(a) No person shall be employed or associated in any capacity in the city's emergency management agency who advocates a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or accusation charging any subversive act against the United States.

(b) Before entering upon his duties, each person who is appointed to serve in the city's emergency management agency shall take an oath in writing before a person authorized to administer oaths in the state, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the (name of emergency management organization) I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(c) For the purposes of this section, the mayor, as emergency management director and coordinator, and his duly appointed deputies and assistants are authorized to administer oaths to emergency management personnel.

State law reference(s)—Similar provision, O.C.G.A. § 38-3-34.

Sec. 20-34. Emergency management office.

To the extent necessary for carrying out the provisions of the city's EOP, the city fire department is designated as the physical location of the office of emergency management for the city.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-35. Emergency powers.

In the event of manmade or natural disaster, actual enemy attack upon the United States, or any other emergency which may affect the lives and property of the citizens of the city, the city council, in cooperation with the county as contemplated by the county-city emergency management agency, may declare that a state of emergency exists and thereafter shall have and may exercise for such period as such state of emergency exists or continues, the emergency power to:

(1) Enforce all rules, laws and regulations relating to emergency management, and assume direct operational control over all emergency management resources;

(2) Seize, take for temporary use, or condemn any private property for the protection of the public;

(3) Sell, lend, give, or distribute all or any such property or supplies among the inhabitants of the city; maintain a strict accounting of property or supplies distributed and for funds received for such property or supplies;

(4) Perform and exercise such other functions and duties, and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the city.

State law reference(s)—Rules, etc., authorized, O.C.G.A. § 38-3-28; powers of local governing bodies during state of emergency or disaster, O.C.G.A. § 38-3-54.

(Ord. No. 2026-01, 6-15-2026)

Secs. 20-36—20-57. Reserved.

ARTICLE III. PROCEDURE AND REGULATIONS

Sec. 20-58. Scope and applicability.

The procedures applicable within the city during a state of emergency shall be as set forth in the county's emergency operations plan (EOP), as amended from time to time, and in this article. A copy of the county plan shall be available in the office of the city clerk.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-59. Overcharging prohibited.

In order to preserve, protect, or sustain the life, health, or safety of persons or their property, it shall be unlawful during the duration of a state of emergency, or subsequent recovery period in which the city has been designated as a disaster area, for any person located or doing business in the city to overcharge for any goods, materials, services or housing sold within the city.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-60. Unlawful acts during emergencies.

It shall be unlawful for any person to commit any of the following acts during an emergency:

(1) To willfully obstruct, hinder or delay any member of the emergency management corps in the enforcement of any lawful rule or regulation issued pursuant to this article or in the performance of any duty imposed by virtue of this article.

(2) To do any act forbidden by any lawful rules or regulations issued pursuant to this article if such act is of such a nature as to give assistance to the enemy, imperil the life or property of any inhabitant of this city, or prevent, hinder or delay the defense or protection of the city.

(3) To wear, carry or display, without authority, any mark or identification specified by the emergency management agency.

State law reference(s)—Authority for local rules and regulations for emergency management, O.C.G.A. § 38-3-28.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-61. Meetings of city council.

Upon proclamation by the appropriate state official of an emergency or disaster of manmade or natural causes or enemy attack impending on or affecting the state or the United States, the affairs and business of the city may be conducted at places other than the regular or usual place thereof, within or outside of the city, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the city, all actions taken by the city council shall be as valid and binding as if performed within the city. The presiding officer or any two members of the council may call such meetings without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

State law reference(s)—Operation of local governing authority during emergencies, O.C.G.A. § 38-3-54.

Sec. 20-62. Purchasing and public works contracts.

Upon the declaration of a state of emergency by the governor, or upon the determination by the city council, or its designee, or the board of commissioners of the county, of the existence of an emergency or disaster, the city council, its designee or the emergency interim successor may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that any public works contract entered into pursuant to this section shall be entered on the minutes of the city as soon as practical and the nature of the emergency described therein.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-63. Code enforcement.

Upon the declaration of a state of emergency by the governor, or upon the determination by the city council or its designee or the board of commissioners of White County of the existence of an emergency or disaster, the city council, its designee or the emergency interim successor may temporarily suspend the enforcement of this Code or any portion thereof, if:

(1) The emergency or disaster is of such nature that immediate action outside the Code is required;

(2) Suspension is consistent with the protection of the public health, safety and welfare; and

(3) Suspension is not inconsistent with any federal or state statutes or regulations.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-64. Temporary dwellings.

Upon the declaration of a state of emergency by the governor, or upon the determination by the city council, its designee, or the board of commissioners of White County of the existence of an emergency or disaster, the city council, its designee or the emergency interim successor may issue a temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district while the primary dwelling is being repaired provided that such temporary dwelling or park permit is designed by an engineer and the plans are approved by the county health department and building and inspections department. The temporary permit shall not exceed six months in duration. In the case of continuing hardship and in the discretion of the city council or its designee, the permit may be extended for a period for an additional six months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-65. Curfew.

Upon the declaration of a state of emergency by the governor, or upon the determination by the city council, its designee, or the board of commissioners of White County of the existence of an emergency or disaster, the city council, its designee or the emergency interim successor may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and the property of the city. All of the territory of the city shall be subject to the terms of the curfew, unless otherwise specified in the resolution. The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-66. Prohibition of appearance in public places.

It shall be prohibited for any person, other than exempt individuals, to appear in public in the territory subject to the curfew, including, but not limited to, streets, highways, alleys, sidewalks, vacant lots, parks, public buildings or any other public places in all or any other delineated part of the city during the stated hours of the curfew.

(Ord. No. 2026-01, 6-15-2026)

Sec. 20-67. Continuity of city operations; essential and nonessential employees.

To promote civil stability and to provide basic services to the city in the case of emergencies or hazardous inclement weather, it is essential that the city be able to maintain an adequate workforce. Toward that end, the following rules shall apply during any state of emergency declared by authorized state, county, or city officials:

(1) Essential employees shall be required to report to work at their regular shifts unless called in early by their immediate supervisors or the mayor.

(2) The mayor, in consultation as necessary with city department heads and county emergency management officials, shall decide whether to open the city hall and other city work facilities. It shall be their responsibility to notify city officers if city hall is to be closed. If city hall is open, all employees in all offices are expected to report for their assigned shifts. If city hall is not opened for business at the regular opening hour, all employees are required to check in periodically for updates.

(3) Any employee not able to report for his assigned shift may take annual leave for those hours. If an employee reports for work and is then sent home by the closing of the city hall, the employee will be paid for the remainder of the day.

(Ord. No. 2026-01, 6-15-2026)

Secs. 20-68—20-92. Reserved.

ARTICLE IV. EMERGENCY POWERS OF MAYOR

Sec. 20-93. Authority to declare local state of emergency.

The mayor shall have the right to declare an emergency to exist when, in his opinion, one or more of the following conditions exists:

(1) Extreme danger or likelihood of destruction of life or property due to unusual conditions;

(2) Unusual or extreme weather conditions or public areas difficult or impossible;

(3) Civil unrest, commotion, or uprising is imminent or exists;

(4) Stoppage or loss of electrical power affecting a major portion of the city.

(Comp. Ords. 1970, § 3-106)

Sec. 20-94. Area of emergency to be exactly defined.

The declaration of an emergency as to a portion of the city shall specify with exactness the area in which the emergency is declared to exist.

(Comp. Ords. 1970, § 3-109)

Sec. 20-95. Powers of mayor after declaration of and during state of emergency.

After declaration of emergency, the mayor shall have the right to exercise any or all of the following powers:

(1) The power to use employees of the city to assist in providing for the safety of the community and preserving the lives, health, and property of its citizenry;

(2) The power to close streets and sidewalks and to delineate areas within the city wherein an emergency exists;

(3) The power to impose emergency curfew regulations;

(4) The power to close business establishments within the affected area;

(5) The power to close any and all municipally owned buildings and other facilities to the use of the general public;

(6) The power to do any and all acts necessary and incidental to the preservation of the lives, health, and property of the citizenry of the city.

(Comp. Ords. 1970, § 3-106)

Sec. 20-96. Duration of emergency powers.

(a) The emergency powers authorized in this article shall be exercised only in the event of an emergency as herein contemplated and only for such periods of time as the actual emergency exists or for such shorter period as provided in this section. Furthermore, said powers shall only be invoked after a declaration and proclamation of an emergency.

(b) No emergency power, as set forth herein, shall be effective for more than 72 hours following the declaration of an emergency by the mayor. However, upon declaration of a second or further emergency, the emergency powers set forth herein may be exercised during such further emergency period or periods, but never for more than 72 hours in one declared emergency period.

(c) No emergency period shall extend beyond the next regular or called meeting of the city council.

(Comp. Ords. 1970, §§ 3-105, 3-107, 3-108)

Sec. 20-97. Severability

If any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, it shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

Chapter 40 PEDDLERS AND SOLICITORS[1]

ARTICLE I. IN GENERAL

Secs. 40-1—40-18. Reserved.

ARTICLE II. SALES AND SOLICITATION

DIVISION 1. GENERALLY

Sec. 40-19. Definitions.

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

Charitable organization or *nonprofit organization* means an organization registered in accordance with O.C.G.A. § 43-17-5 or an organization exempt from such registration in accordance with O.C.G.A. § 43-17-9 or any organization recognized as such by the Internal Revenue Service of the United States Department of Treasury.

Peddler means an individual carrying his own merchandise, article or other good and who offers to sell such merchandise, article or other good or service to consumers at retail, and who upon such a sale delivers the merchandise then and there on the spot at any fixed location within the incorporated areas of the city.

Solicitor means any person, group, firm, or organization who shall solicit orders, sales, funds, contributions or donations on behalf of a business, occupation, organization, vocation, or individual for commercial, charitable, nonprofit, or other noncommercial purpose, door to door or house to house in the residential areas or in any fixed location on any streets in residential areas, or on sidewalks, streets, highways, or the rights-of-way thereof within the incorporated areas of the city.

(Ord. of 11-13-2006, § 1)

Secs. 40-20—40-41. Reserved.

DIVISION 2. COMMERCIAL SOLICITORS AND PEDDLERS

[1]State law reference(s)—Peddlers and itinerant traders, O.C.G.A. § 43-32-1 et seq.; municipal and county ordinances for issuance of permits to charitable organizations for solicitation of contributions on streets and highways, O.C.G.A. § 40-6-97.1; charitable solicitations, O.C.G.A. § 43-17-1 et seq.; transient merchants, O.C.G.A. § 43-46-1.

Sec. 40-42. Special event permits and identification card permits required.

(a) *Permit for soliciting for commercial purposes in residential areas.* Any solicitor desiring to engage in any type of selling, soliciting, survey making or any other activity in any residential areas for a commercial purpose, shall first register with the city clerk, pay the prescribed registration fee as set forth in chapter 24, and obtain a personal identification card from the police department. The identification card shall serve as the permit.

(b) *Permit for soliciting for commercial purposes on public ways.* Any solicitor desiring to solicit orders, sales, funds, contributions or donations on behalf of a business, occupation, organization, vocation, or individual for charitable, nonprofit, or other noncommercial purpose only on any sidewalks, streets, highways, or in the rights-of-way thereof within the incorporated areas of the city shall first register with the city clerk, pay the prescribed registration fee as set forth in chapter 24, and obtain an identification card permit, which shall specify the location and duration of the intended solicitations on the city's streets, highways, or the rights-of-way. The identification card shall serve as the permit.

(c) *Permit for peddling.* Any peddler desiring to sell any merchandise, article or other good or service or transact any other business shall first register with the city clerk, pay the prescribed registration fee as set forth in chapter 24, and obtain a personal identification card. The identification card shall serve as the permit. The application for permit under this section must specify the location and duration of the peddling activity to ensure that the preferred location is not in violation of this Code, including zoning restriction, or deemed to be unsafe by the city police department. No peddler shall attempt to sell any merchandise, article or other good or service or transact any other legal business on any street, sidewalk, park, parkway or any other public place unless the peddler's permit specifies that peddling in such public places is permitted.

(Ord. of 11-13-2006, §§ 2, 3)

Sec. 40-43. Contents of application questionnaire.

(a) The city police department shall develop and maintain an application questionnaire to be completed by each applicant for permit under this division upon payment of the applicable fee.

(b) The chief of police shall review the application questionnaire to ascertain whether the applicant has pleaded guilty or nolo contendere to, or been convicted of, a felony or a misdemeanor involving a violation of moral turpitude. After ascertaining that the application questionnaire has been properly completed and that the applicant has not been disqualified by virtue of prior pleas or convictions of any felonies or misdemeanors involving violence or moral turpitude, the chief of police shall approve the application subject to the payment of the applicable permit fee.

(c) No individual shall be permitted to solicit sales, funds, contributions or donations within the city on behalf of any organization if the organization has had its confirmation letter or permit, as issued by the chief of police, revoked under this division.

(Ord. of 11-13-2006, § 4; Ord. No. 2026-01, 6-15-2026)

Sec. 40-44. Occupation tax or regulatory registration required for commercial solicitations and peddling.

(a) Following approval of the application questionnaire made in accordance with this division, and prior to the issuance of any permit granted hereunder, any applicant seeking to solicit within the city for a commercial purpose shall obtain an occupation tax registration and pay an occupation tax registration fee, or produce a valid occupation tax registration or certificate from another county or municipality of the state.

(b) Following approval of the application questionnaire made in accordance with this division, and prior to the issuance of any permit granted hereunder, the applicant seeking to peddle merchandise, articles or goods or other services shall obtain a regulatory registration and pay a regulatory registration fee.

(c) Registration required by this section shall be accomplished in the same manner as applies to other businesses in the city as set forth in chapter 12. Fees required for registration shall be as provided in chapter 24.

(Ord. of 11-13-2006, § 5)

Sec. 40-45. Issuance of permit.

(a) Upon qualification and payment by the applicant of a nonrefundable occupation tax or regulatory registration fee for commercial solicitation or peddling, the city police department shall photograph the applicant and provide the applicant with a identification card permit bearing the applicant's photograph, name and the name of the organization represented, and identifying the applicant as a commercial solicitor or peddler.

(b) All solicitors and peddlers permitted by the city shall carry the identification card permit on their person at all times and said license shall be presented for inspection to any appropriate officer or official of the city upon demand. The permit is valid only for location and duration as approved.

(Ord. of 11-13-2006, § 6)

Sec. 40-46. Qualifications; suspension and revocation.

(a) No permit shall be issued to any person who has been found guilty of a misdemeanor involving violence or moral turpitude any time within five years prior to the date of application, nor shall a permit be issued to any person convicted of a felony, except that a permit may be issued to a convicted felon if it appears that he has been pardoned, or that he has been free from any legal restrictions for a period of five years prior to the date of his application. For the purpose of this division, the terms "conviction" and "found guilty" shall be deemed to include verdicts or pleas of guilty, or pleas of nolo contendere, entered by a court of this state, a court of a sister state, or any federal district court. Any permit issued as the result of a willful false statement or omission in the solicitor's application for permit shall be deemed null and void from the time of its issue.

(b) The permit of any person charged with a felony, or a misdemeanor involving violence or moral turpitude, shall be deemed suspended from the time of lawful arrest, formal, accusation, or indictment whichever shall first occur; such suspension shall remain in effect until the solicitor is convicted or acquitted, or until the charged is dismissed, "dead-docketed" or "no-billed."

(c) The permit of any person arrested or served with a summons in regard to a violation of any provision of this division, which is alleged to have occurred the date the permit was issued, shall be deemed suspended from the time he was arrested or served with summons; such suspension shall remain in effect until the solicitor is acquitted or the case is dismissed.

(d) The permit of any person who is convicted of a felony, or a misdemeanor involving violence or moral turpitude, shall be deemed revoked from the time of such conviction. The permit of any person convicted of having violated any provision of this division after issuance of the permit shall be deemed revoked from the time of conviction.

(e) Any suspension or revocation occurring pursuant to the provisions of this division shall be effective by operation of law, whether or not any formal notification to the solicitor is given or received.

(Ord. of 11-13-2006, § 14)

Sec. 40-47. Validity; renewal of permits.

Each permit issued under this division shall be valid only for the person or organization indicated thereon, and until the expiration of the current occupation tax certificate of such organization. Such permit may be renewed upon payment of a fee established by the city council and verification by the city that the organization represented has renewed its occupation tax certificate for the current year.

(Ord. of 11-13-2006, § 7)

Sec. 40-48. Display of permit.

The police department shall furnish to each permit holder a device suitable for attaching the permit card to the outer clothing of the identification card permit holder. No person shall engage in any of the conduct coming under this division without wearing and displaying the identification card permit in a conspicuous manner.

(Ord. of 11-13-2006, § 8)

Sec. 40-49. Solicitors required to disclose the purpose of call.

At each dwelling, whether it be an apartment unit or detached single-family residence, the solicitor shall inform the occupant in unambiguous terms of the purpose of the call and shall not represent that the solicitor is participating in any contest, game or other competitive endeavor, or that he is offering the occupant an opportunity to participate in any such contest, game or endeavor.

(Ord. of 11-13-2006, § 9)

Sec. 40-50. Solicitors not permitted to enter posted property.

No solicitor shall enter a dwelling except at the express invitation of the occupant. No solicitation shall be made at any single-family or multifamily dwelling where a conspicuous "No Soliciting," "No Peddlers" or other similar sign is displayed at or near the main entrance or driveway to the premises.

(Ord. of 11-13-2006, § 10)

Sec. 40-51. Decorum required.

(a) No person shall use vulgar, insulting or threatening language in the course of any solicitation or attempt to peddle.

(b) No solicitor shall remain upon the premises after the occupant of the premises has verbally indicated that he does not wish to make a purchase or donation or to listen or participate in the purpose of the call. For the purpose of this division, a call shall be deemed to continue until the solicitor has left the premises.

(Ord. of 11-13-2006, § 11; Ord. No. 2026-01, 6-15-2026)

Sec. 40-52. Prohibited acts.

It shall be a violation of this division:

(1) For any person to engage in any of the activities described in this division without first obtaining a permit as required hereunder.

(2) For any person to violate any of the provisions of this division or to violate any other city ordinance or any state or federal law while engaging in any of the activities coming under this division.

(3) For any person to lend, rent, or sell his permit card to another.

(4) For any person to engage in any activity coming under this division during a period in which his permit is in suspension or after his permit has been revoked.

(5) For any person to engage in the act or business of a peddler of any merchandise, article or other good or service within the corporate limits without having first secured an occupation tax registration as set forth in section 40-44.

(6) For any person to engage in fraud, cheating or misrepresentation, be it through himself or through an employee.

(7) For more than two individuals to engage in solicitation upon any premises at the same time for the same goods or services. Each individual member of a group engaged in solicitation in violation of this provision shall be deemed to have violated such provision.

(8) For any person to make more than one solicitation call at the same premises for identical goods or services within any two-week period, without receiving prior invitation therefor from the occupant of any such premises. This provision shall be construed to include solicitation upon the same premises by employees, agents or representatives of any person more than once during the aforesaid period without prior invitation as herein provided.

(9) For any person with a criminal record as described in section 40-46, whether or not otherwise eligible for an exemption under section 40-85, to engage in any of the activities described in this division.

(10) For any person, at the time of initial contact with the occupant or prospective customer, to fail to verbally identify himself for the purpose of the call or solicitation and the company and product line he represents or charitable, nonprofit, or noncommercial group he represents.

(11) For any person engaged in solicitation to misrepresent the purpose of the call or solicitation or use any falsehood, deception or misrepresentation to induce a sale or contribution, or use any plans, scheme or ruse which misrepresents the status of the purpose of the person engaging in the call or solicitation.

(12) For any person to solicit or attempt to solicit at a building or residence at any entrance or part of the building or residence other than the main entrance to the residence.

(Ord. of 11-13-2006, § 12)

Sec. 40-53. Surrender of permit.

Any permit issued pursuant to the provisions of this division for the use by any person is, and shall remain, the property of the city. Each permit holder shall surrender his permit card to the police department no later than three of the department's business days following the expiration, suspension, or revocation of the permit, or upon the demand of any officer of the department or upon the demand of the chief of police, whichever shall occur first.

(Ord. of 11-13-2006, § 15)

Secs. 40-54—40-79. Reserved.

DIVISION 3. CHARITABLE SOLICITATIONS

Sec. 40-80. Registration; confirmation.

(a) Any solicitor desiring to solicit orders, sales, funds, contributions or donations for only a charitable, nonprofit, or other non-commercial purpose in any residential areas or on any streets, highways, or in the rights-of-way, shall first register and supply proof of such recognized status with the city clerk.

(b) The chief of police shall then issue written confirmation of the organization's exempt charitable, nonprofit or noncommercial status and the date and location of the solicitation to be conducted.

(c) The organization shall then furnish a copy of such confirmation to each of its agents or representatives who shall keep a copy of such confirmation on their person at all times while engaged in their charitable, nonprofit, noncommercial solicitation.

(Ord. of 11-13-2006, § 2; Ord. No. 2026-01, 6-15-2026)

Sec. 40-81. Term of permit; total number of permits restricted.

Each permit issued for solicitation described in this division will be valid for a period of 30 days from the date of its issuance. No organization soliciting under this division may hold more than two permits in a single 12-month period.

(Ord. of 11-13-2006, § 2)

Sec. 40-82. Age of solicitors restricted.

All individuals soliciting on behalf of a charitable, nonprofit, or non-commercial organization must not be less than 16 years of age.

(Ord. of 11-13-2006, § 2)

Sec. 40-83. Reflective safety vests required.

All individuals authorized to solicit on behalf of a charitable, nonprofit, or non-commercial organization must wear reflective safety vests at all times.

(Ord. of 11-13-2006, § 2)

Sec. 40-84. Additional restrictions for safety purposes.

Any solicitation for a charitable, nonprofit, or noncommercial purpose may be restricted as necessary for safety reasons as determined by the city police department.

(Ord. of 11-13-2006, § 2(c)(4))

Sec. 40-85. Exemptions.

The following are exempt from the requirements set forth in section 40-42(a):

(1) Persons, businesses, and organizations exempted from local regulation by operation of state or federal law, or by the Constitution of the United States or the state, are exempt from the requirements of this article. This exemption is deemed to include, but may not be limited to, persons or organizations canvassing door to door or house to house in the residential areas or on any streets, highways, or the rights-of-way thereof within the incorporated areas of the city for a religious or political purpose.

(2) Representatives or agents of charitable or nonprofit or other non-commercial organizations as defined in section 40-19.

(3) Any exemption granted herein shall remain in effect only until December 31 following the date of the confirmation. Only one such letter shall be issued to each organization during any calendar year.

(4) Any sales representative who calls upon prospective customers at the private invitation of the homeowner or occupant shall be treated as exempt from the provisions of this article.

(5) Any exemption granted does not exclude the need for a special event permit.

(Ord. of 11-13-2006, § 2(d))

Chapter 42 SECONDHAND GOODS[2]

ARTICLE I. IN GENERAL

Secs. 42-1—42-18. Reserved.

ARTICLE II. PAWNBROKERS[3]

Sec. 42-19. Purpose and intent.

It is the purpose and intent of this article to regulate pawnshops in accordance with O.C.G.A. § 44-12-136, as amended, and to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations of pawnshops within the city. It is neither the intent nor the effect of this article to restrict or deny access by adults to materials pledged, consigned, pawned or exchanged.

(Ord. No. 2022-06, 3-21-2022)

State law reference(s)—Municipal authority to regulate pawnbrokers, O.C.G.A. § 44-12-136.

[2]State law reference(s)—Junk dealers, O.C.G.A. § 43-22-1; pawnbrokers generally, O.C.G.A. § 44-12-130 et seq.; local regulation of pawnbrokers, O.C.G.A. §§ 44-12-135, 44-12-136.

[3]Editor's note(s)—Ord. No. 2022-06, adopted March 21, 2022, repealed the former Art. II, §§ 42-19—42-31, and enacted a new Art. II as set out herein. The former Art. II pertainded to similar subject matter and derived from Ord. of 8-4-2008, §§ 1.0—13.0.

Sec. 42-20. 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:

Employee means:

(1) Any owner or pawnbroker who, in the performance of his duties or the management of the business affairs of a pawnshop, comes into contact with members of the public;

(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.

Pawn or *pledge* means a bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the power of sale on default.

Pawnbroker means any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufactures or licensed dealers as part of or in conjunction with the business activities described in this article. The term "pawnbroker" also means any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby he 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, consignment, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

Pawnshop means 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 whatsoever, as security for the repayment of money lent thereon.

Pawnshop transaction means to take or receive any article of property or, from any customer, by pawning, pledging, trading, exchanging, purchasing, or other means.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-21. Qualifications for issuance of annual pawnshop license.

Any person who desires to obtain a license for the operation of a pawnshop must meet the minimum qualifications set forth in this chapter. If the applicant is a partnership, each partner must meet the qualifications of any individual license and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation, the majority stockholder and each principle officer of the corporation must meet the qualifications as part of the application process.

(1) Any person applying to operate a pawnshop for which a license is sought shall not have been convicted, pled guilty or entered a plea of nolo contendere to violating any provisions of this chapter or any other ordinance of the city, or rules or regulations of the city and shall not have been convicted of any crime involving a felony theft, burglary, robbery, or fraud, or have been convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one or more of the abovementioned offenses, for a period of ten years from the date of such convictions, unless a longer time is ordered by a court of competent jurisdiction. For purposes of this section, a conviction or plea of guilty or nolo contendere entered and terms completed for the above-mentioned offenses 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 ruled an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(2) Every managing agent applicant for a license shall be at least 18 years of age, a U.S. citizen or an alien lawfully admitted for permanent residency, and a resident of the State of Georgia, and shall make application on forms furnished by the city marshal and in connection therewith, shall, under oath, answer all questions, supply all information and furnish all certificates, affidavits, bonds and other supporting data as required thereby.

(3) All licensed pawnshops must have and continuously maintain in White County a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of White County. The licensee shall file the name of such agent, along with the written, notarized consent of such agent with the city in such form as may be prescribed.

(4) All persons filing an application for a license will be required to complete a waiver in order for the applicant's criminal history to be obtained.

(5) No person shall have, own or enjoy any ownership, interest in, share in the profits from, or otherwise participate in the business of any pawnshop in the city unless a full description of such interest is disclosed upon the filing of an application for the original annual license. Said person shall be subject to the same qualifications as the license holder. Failure to qualify may be grounds for revocation of the license.

(6) The city clerk may approve all applications for renewal of an existing license upon payment of the license fees for renewal of licenses, where no objections have been filed and the application clearly shows no change in the ownership, managing agent, location, or operation of the business. If objections have been filed or if there have been any changes in the ownership, managing agent, location, or operation of the business, a new application must be approved by the city council. The city license issued shall be valid for the calendar year indicated thereon and shall expire at midnight December 31 each year unless renewed by the city clerk prior to expiration. Renewal licenses for subsequent calendar years become effective upon approval of the city clerk. A licensee that desires to continue in business during the next or subsequent calendar year must make application for and pay the required fees each year, on or before December 1.

(7) No license shall be granted where the applicant has had any pawnshop license issued by any county, municipality, or other governmental subdivision which has been suspended or revoked.

(8) No license shall be granted for a location that is not in compliance with all federal, state, or local regulation, rule or ordinance.

(9) No license shall be issued where the applicant has supplied false information in the license application or where any required fee has not been paid by such applicant, including any fees or assessments owed to the city.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-22. Annual permit required; fees; renewal.

(a) 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.

(b) The issuance of such permit will be based on a criminal history background investigation of the applicant. The cost of the permit/criminal history background investigation shall be as set forth in the city's fee schedule. This fee is imposed to defray investigative expenses and administrative costs associated with issuing an initial permit for all owners.

(c) In the event an owner has more than one pawnshop, then each location will be assessed the fee in subsection (b) of this section. This fee is non-refundable in the event an applicant, for any reason, is not issued a permit and/or an occupational tax certificate.

(d) Owners/managers are required to renew the permit upon expiration thereof and shall be required to pay a renewal fee in the amount provided in the city's fee schedule.

(e) Each licensee of the city shall display the license issued under this chapter prominently at all times at the location for which the license is issued. A separate license must be issued for each location and a separate application must be made for each location.

(f) The pawnshop permit history of the applicant(s) and whether, in previous operations in this or any other city, state or territory, the applicant(s) has had such permit revoked or suspended must be disclosed. If such permit has been revoked or suspended, the applicant(s) must state the reason, and the business activity or occupation subsequent to such action of suspension or revocation.

(g) If the owner(s) is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with place and date of incorporation, and the names and addresses of each of its current officers and directors. If the owner(s) is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners. If the owner(s) is a limited partnership, it shall furnish a copy of its certificate filed with the county clerk or secretary of state. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply.

(h) If any of the owners, partners or interest holders have been convicted of any crime in the past ten years, a completed description of any such crime including date of violation, date of conviction jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of the disposition have been fully completed.

(i) The applicant must disclose any ownership interest in any other pawnshop, whether it is located locally or out of state and must disclose the nature of such ownership interest.

(j) Each applicant shall certify on the application that they have read this chapter and, if the license is granted, each licensee shall maintain a copy of this chapter on the premises.

(k) No pawnbroker shall operate, conduct, manage, engage in, or carry on a pawnbroker business under any name other than the name of the business as specified on the license.

(l) The pawnbroker shall possess federal firearms licenses when persons pledge, trade, pawn, exchange, sale, or purchase firearms.

(m) The pawnshop shall contain a video surveillance and monitoring system that captures footage of no less than the following: point of entry, point of sale, application and appraisal area, and vault and storage, if applicable.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-23. Permit term; prerequisite to issuance of occupation tax certificate.

(a) No occupation tax certificate required by city ordinance shall be granted to any person until a pawnshop permit has been issued or approved by the city.

(b) The permit and occupation tax certificate will expire annually, on the date established generally for expiration of the occupation tax certificate.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-24. Application for permit.

The application for the annual permit shall state the street number and address at which the business is proposed to operate. The application shall contain the full name, address, phone number, date of birth, photograph, and Social Security number of all persons, including pawnbrokers and employee, having any interest in the proposed business, plus any additional information, including fingerprints, deemed necessary by the city.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-25. Regulation as to employees and managers.

(a) No person shall be employed by a pawnshop to manage merchandise in any capacity until such person is found in compliance with the qualifications as described in this section. It shall be the duty of the pawnbroker to ensure compliance with the provisions of this section.

(b) The following qualifications shall apply to all employees and managers:

Employees of a pawnshop, as defined herein, shall not be less than 18 years of age. Any employee who has been convicted, pled guilty or entered a plea of nolo contendere to violating any provisions of this chapter or any other ordinance of the city, or rules or regulations of the city, or any felony theft, burglary, robbery, or fraud, or has been convicted in any state of any offense which if committed in this state, would have been punishable as one or more of the above-mentioned offenses, shall not be issued a permit to work on the premises of a pawnshop for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. For purposes of this section, a conviction or plea of guilty or nolo contendere entered and terms completed for the above-mentioned offenses 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 ruled an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(1) No permit shall be issued until a signed application has been filed with the city, and a search of the criminal record of the person completed. Such application shall include the applicant's name, fingerprints, Social Security number, date of birth, and prior arrest record; although an applicant's arrest record shall be used for investigative purposes only and shall not give rise to a presumption or inference of guilt. Applicant must also provide positive identification (only government issued pictured identification accepted, e.g., driver's license, passport, military card, or state identification card).

(2) No pawnshop owner shall allow any employee or manager, who is managing merchandise, to work on the premises unless the employee or manager has in their possession a current valid city permit. Upon filing the notice with the police department, the applicant may become a conditional employee and work on the licensed premises with a receipt issued by the police department until such time the investigation is completed, and approval or denial of the permit is issued.

(3) Employee permits are nontransferable and are valid only for the individual named on the permit. Each such permit is valid for the individual named while employed in any establishment licensed in the city.

(4) Employees after receiving their permit must notify the police department of any changes involving information originally provided to obtain an employee permit; otherwise, their permit is invalid.

Employees who are convicted of an offense that may affect their employment under this chapter are under a duty to fully inform the police department of any such conviction, and to supply sufficient documentation relating to the conviction to allow the city to fully investigate it. The failure to inform the police department and/or provide documentation of any such conviction invalidates an employee's permit and shall serve as automatic forfeiture and cancellation of the permit.

(5) The chief of police or his designee shall conduct a search relative to any police record of the applicant.

(6) In the event the applicant is qualified for employment in a pawnshop under this section and there is no record of a violation of this article, the chief of police or his designee shall issue a permit to the applicant, by mail. If it is found that, the person is not qualified for a permit and therefore ineligible for employment in a pawnshop, the chief of police or his designee shall notify the person in writing that they are not eligible for employment, the cause of such denial and their right to appeal to the city council.

(7) 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 police department for a pawnshop permit under this section.

(8) All permits issued through administrative error can be terminated and seized by the chief of police, his designee, or the city clerk.

(9) All permits issued hereunder remain the property of the city and shall be produced for inspection upon the demand of any officer of the city.

(10) It shall be the duty of all persons holding a pawnshop occupation tax certificate to file with the chief of police or his 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 such permit shall be revoked or 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. No. 2022-06, 3-21-2022)

Sec. 42-26. Grounds for denial, suspension, or revocation.

A permit may be denied, suspended, or revoked by the chief of police or his 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 chapter.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-27. Occupation tax certificate.

All persons, firms or corporations desiring to engage in the business, trade or profession, shall apply for an occupation tax certificate in the form and manner prescribed in chapter 12.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-28. Record of transaction.

(a) Every pawnbroker shall maintain a permanent electronic record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop can be transmitted to the police department via an electronic automated reporting system. Each of these transactions shall contain an accurate description of all property pledged, traded or sold to the pawnbroker and shall be made at the time of each transaction, provided that the following information is included:

(1) The date and time of the purchase, pawn or sale of the property.

(2) The full name, street address and telephone number of the customer making the pledge, trade or sale.

(3) The pawnshop shall require all persons pledging, trading, pawning, exchanging, or selling property to show accepted identification prior to conducting a pawnshop transaction.

(4) A description of the customer in terms of sex, race, date of birth, height and weight, as well as the driver's license number of the customer or some other identification card which contains a photograph of the customer.

(5) A description of the pledged or purchased property by serial, model or other number, if available, and by any identifying marks (e.g., brand name, color, style, etc.).

(6) The number of the receipt or pawn transaction issued for the property pawned or bought.

(7) The price paid or the amount loaned.

(8) The maturity date of the transaction, if a pawn.

(9) A photograph of the customer and the item pawned or bought which will be taken with the electronic automated reporting system at the time of the transaction.

(10) The pawnshop shall obtain from each person pledging, trading, pawning, exchanging, or selling any property, the fingerprint of the right-hand index finger, unless such finger is missing, in which event the print of the next finger in existence on the right hand shall be obtained with a notation as to the exact finger printed. An electronic digital fingerprint scanner will be the primary method of entry required. The fingerprint shall be imprinted onto the pawn transaction form in the designated area along with the signature of the person pawning, trading, pledging, exchanging, or selling the property. The fingerprint must be clear and legible. In the event that more than one pawn transaction form is required, a fingerprint and signature should be obtained for each form. Fingerprints and the information required herein shall be obtained each time such person pledges, trades, pawns, exchanges, or sells any property.

(11) The signature of the customer.

(12) The tag bearing the pawnshop transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means. This paragraph does not apply to the purchase of property from licensed wholesale or distributor businesses for the purpose of retail sales; however, the pawnshop shall be required to maintain all purchasing records for property exempted from this paragraph.

(b) Every pawnbroker shall enter each transaction as it occurs into the electronic automated reporting system or may elect to upload electronically via the internet a batch file of all transactions for each business day to the administrator of the electronic automated reporting system immediately at the conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the police department.

(c) The pawnshop shall store the above records, digital images, and fingerprints for a period as designated by state statute and make them available to law enforcement personnel upon request.

(d) In the event that the electronic automated reporting system becomes temporarily or permanently disabled, or the system is terminated pawnbrokers will be notified as soon as possible, by the administrator of the system. Pawnshops that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting, should immediately notify the police department of the failure. In these events, the pawnbrokers will be required to make records of transactions in paper form. Such paper forms must include all information as enumerated in paragraph (a) of this section. Pawnbrokers shall maintain a three-day supply of these paper forms. On a daily basis, all transactions not reported in the electronic automated reporting system will be delivered to the police department by the pawnshop within 24 hours of the end of the business day for every day until the event has been corrected.

(e) Any duly authorized law enforcement officer authorized by the chief of police, may, during the ordinary hours of business or any other reasonable time, inspect any pawnbroker's electronic or paper records or any goods in his possession at the pawnbroker's place of business to ensure compliance not only with this section, but this chapter and state law.

(f) The chief of police or his designee shall select and designate the required automated reporting system and required equipment needed.

(g) Property not to be disposed of for 30 days after acquisition; location of property; police holds.

(h) All property pledged, traded, pawned, exchanged, or purchased shall be held and maintained by the pawnbroker on the premises of the pawnshop or, if impracticable, at such other location as may have been previously approved in writing by the chief of police or his designee. The chief of police shall not approve of any off-premises storage facilities located outside the county.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-29. Reports to police.

Every pawnbroker shall make a monthly report in writing or digitally to the police department, in such form as may be prescribed by the chief of police. The report shall contain all property pledged, traded, pawned, exchanged, or sold to the pawnbroker during the month as dated on the report. Such report shall be typewritten.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-30. Lost or stolen items.

(a) It shall be the duty of every person operating or employed by a pawnbroker to report to the police department any article or goods sold or pawned to the pawnbroker if that person shall have a reason to believe that the article or goods was stolen or lost when presented by the seller or customer.

(b) With respect to any item(s) which would normally have a serial number or other means of identification, any pawnbroker or employee of a pawnbroker who becomes aware that such items have had the identification removed, defaced or destroyed, such fact shall be immediately reported to the police department.

(c) If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the surrender of said item to the police department shall be done upon demand. The police officer receiving the item shall give the pawnbroker a receipt for the item.

(d) The police department has the authority to place property that is the subject of police investigation on "police hold". In that event, the police department shall notify the pawnshop of the need for a police hold and identify all property subject to the police hold. Upon notification, it shall be the responsibility of the pawnshop to maintain the subject property until such time as the property is released from the police hold status or the property is confiscated as evidence.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-31. Dealing with minors prohibited.

It shall be unlawful for any pawnbroker, his agents or employees to receive through any pawnshop transaction any property from minors. A minor, for the purpose of this section, is an individual 17 years of age or under.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-32. Responsibility for enforcement.

The city police department shall have responsibility for the enforcement of this article. Sworn officers of the police department 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 officer to conduct inspections authorized by other provisions of the city, county, state, or federal statue.

(Ord. No. 2022-06, 3-21-2022)

Sec. 42-33. Violations.

(a) It shall be unlawful for any pawnbroker or employee of a pawnbroker to violate any of the provisions of this chapter, whether or not such person or employee is the holder of a current valid license or permit issued according to the terms of this chapter. Further, any person failing to comply with any provision of this chapter or other rules, ordinances and regulations as may be passed by the city council for conduct of the business of a pawnbroker, shall upon conviction, have the license or permit to conduct business revoked.

(b) It shall be unlawful for any pawnbroker or employee of a pawnbroker to:

(1) Make any false statement in an application for any license or permit provided for in this chapter.

(2) Make any false entry in any record book, ledger or form required by the terms of this chapter.

(3) Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.

(c) 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 chapter is committed, continued or permitted by any such person, and shall be punished accordingly.

(Ord. No. 2022-06, 3-21-2022)

CHAPTER 43 - DEALERS IN PRECIOUS METALS OR GEMS

State Law reference- O.C.G.A. 43-37-1; Dealers in Precious Metals or Gems

ARTICLE I. – IN GENERAL

Secs. 43-1---43-16. Reserved

ARTICLE II. DEALERS IN PRECIOUS METALS OR GEMS

"Dealers in Precious Metals or Gems Ordinance."

Sec. 43-17 - Purpose and intent.

It is the purpose and intent of this article to regulate dealers in precious metals or gems in accordance with O.C.G.A. § 43-37-1, as amended, and to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations of dealers of precious metals or gems within the city. It is neither the intent nor the effect of this article to restrict or deny access by adults to materials pledged, consigned, or exchanged.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-18. -Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section or shall have the same meaning as set forth in the Official Code of Georgia Annotated, section 43-37-1, should those definitions differ.

1. Dealer in precious metals or gems means:

A. Any person engaged in the business of purchasing precious metals or gems or goods made from precious metals or gems from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals and gems; or

B. Person engaged in any other business if, in conjunction with such business, precious metals or gems or goods made from precious metals or gems are purchased from persons or sources other than manufacturers, manufacturers' representatives, or other dealers in precious metals or gems where such purchase is for resale in its original form or as changed by remounting, melting, reforming, remolding, or recasting or for resale as scrap or in bulk.

Gems means any precious or semi-precious stone which is cut and polished.

Numismatic coins means coins whose value as collectors' items exceeds the value of the content of the precious metals in the coins.

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

Precious metals means gold, silver, or platinum or any alloy containing gold, silver or platinum.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-19. - Registration as a dealer in precious metals or gems.

A. The law enforcement officer designated to administer the provisions of this chapter and register dealers in precious metals or gems in the city shall be the chief of the city police department.

B. No person shall engage in business as a dealer in precious metals or gems until he has registered as a dealer in precious metals or gems for each separate place of business. The registration shall be in writing and shall be sworn to or affirmed by the dealer in precious metals or gems. The dealer shall register with the chief of police of the city. As to any registration with the chief of police of the city, a copy of each registration shall be transmitted by such chief of police to the sheriff of the county within seven days of the registration. The sheriff of the county shall maintain a record of all registrations, which record shall be available for public inspection.

C. The registration shall contain the name, address, and age of the dealer together with the names, addresses and ages of all other persons having an ownership interest or actually employed in the business other than publicly held corporations.

D. No person shall be eligible to register as a dealer in precious metals or gems if any employee or stockholder, other than stockholders owning less than 10 percent of the outstanding shares of a publicly held corporation, has been convicted of a felony under the laws of this state or any other state or the United States. This subsection shall not apply to any person who has been convicted of a felony after ten years have expired from the date of completion of the felony sentence.

E. All registrations shall contain the address of the premises upon which the business is conducted and the zoning classification of the premises.

F. Each dealer shall be required to notify the appropriate law enforcement officer of the city in which the dealer is registered within seven calendar days of any change of address of the dealer or business or any change of ownership in the business. As to any notification of the chief of police of the city, a copy of the change of address or ownership in the business shall be transmitted to the sheriff of the county within seven days of notification.

G. Every person establishing a business in the city as a dealer in precious metals or gems after the effective date of this chapter, or who purchases, acquires or in any manner assumes control of a business engaged in the business of dealing precious metals or gems after the effective date of this chapter, prior to commencing business, shall make proper application for and receive the appropriate business license as set forth in this Chapter.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-20. - Permanent records required; content.

A. Every dealer in precious metals or gems shall maintain a book, in permanent form, in which shall be entered at the time of each purchase of precious metals or gems or goods made from precious metals or gems the following:

1. The date and time of the purchase;

2. The name of the person making the purchase from the seller;

3. The name, age, and address of the seller of the items purchased and the distinctive number from each seller's driver's license or other similar identification card containing a photo of the seller;

4. A clear and accurate identification and description of the purchased goods, including the serial, model, or other number, and all identifying marks inscribed thereon;

5. The price paid for the goods purchased;

6. The number of the check issued for the purchase price, if payment is made by check; and

7. The signature of the seller.

B. The permanent record book required by this section shall be in legible English. Entries shall appear in chronological order. No blank lines may be left between entries. No obliterations, alterations, or erasures may be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The book shall be maintained for each purchase of precious metals or gems or goods made from precious metals or gems for at least two years. The book shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.

C. Dealers exclusively engaged in buying or exchanging for merchandise scrap dental gold and silver from licensed dentists by registered or certified mail or statutory overnight delivery may record the post office record of the mailed parcel in lieu of the seller's age and driver's license number as required in paragraph 3 of subsection A of this section and in lieu of the seller's signature as required in paragraph 7 of subsection A of this section.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-21. - Written reports required.

A. Every dealer in precious metals or gems shall make a report in writing to the appropriate law enforcement officer of the city, on forms approved or prescribed by the appropriate law enforcement officer of the city, of all precious metals or gems or goods made from precious metals or gems purchased on the day previous to the date of the report. The report shall contain the information specified in this Chapter and shall be typewritten or handwritten in legible English and mailed or delivered to the appropriate law enforcement officer of the city within 24 hours after the day on which the transactions occurred.

B. All reports shall be maintained in a locked container under the direct supervision of the appropriate law enforcement official of the city and shall be available for inspection only for law enforcement purposes.

C. The appropriate law enforcement officer of the city may, in his discretion, authorize any person who demonstrates theft of precious metals or gems by the presenting of an incident report or other similar document to inspect the reports in an effort to locate stolen property.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-22.- Requirements; unlawful activities; penalties.

A. It shall be unlawful for any dealer in precious metals or gems or any agent or employee of a dealer in precious metals or gems who makes purchases of precious metals or gems or of goods made from precious metals or gems to:

1. Make any false entries in the permanent record book.

2. Fail to maintain and make entries in the permanent record book.

3. Make any false entry in such permanent record book.

4. Falsify, obliterate, destroy, or remove from the place of business such permanent record book.

5. Refuse to allow any duly authorized law enforcement officer to inspect such permanent record book, or any precious metals or gems or goods made from precious metals or gems in his possession, during the ordinary hours of business or at any reasonable time;

6. Sell, exchange, or remove from the legal possession of the buyer, or to alter the form of, any precious metals or gems or goods made from precious metals or gems purchased by remounting, melting, cutting up, or otherwise altering the original form until at least seven calendar days have elapsed from the time of purchase or acquisition;

7. Fail to make the written report as required by Section 43-21; or

8. Purchase any precious metal or gems from any person under 17 years of age.

B. It shall be unlawful for any person to advertise or transact business as a dealer in precious metals or gems without first registering pursuant to Section 43-19.

C. It shall be unlawful for any dealer in precious metals or gems to purchase precious metals in a melted or smelted state unless the purchase is from a registered dealer in precious metals or gems.

D. If the appropriate law enforcement officer of the city has probable cause to believe that precious metals or gems have been stolen, he may give notice in writing to the dealer to retain

the precious metals or gems for an additional 15 days; and it shall be unlawful for the dealer to dispose of the property unless the notice is revoked in writing within the 15 day period.

E. Any person who violates this Section shall be guilty of a misdemeanor.

(Ord. No. 2026-01, 6-15-2026)

Sec. 43-23- Exemptions.

This chapter shall not apply to dealers exclusively engaged in the sale or exchange of numismatic coins or to transactions exclusively involving numismatic coins or other coinage.

(Ord. No. 2026-01, 6-15-2026)

Chapter 44 SIGNS[4]

Sec. 44-1. Short title.

This chapter shall be known and may be cited as the Sign Ordinance of the City of Cleveland, Georgia.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-2. Purpose and findings.

The mayor and city council of Cleveland, Georgia find that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and to Cleveland's overall public welfare as an aesthetic nuisance. By enacting this chapter, the mayor and city council intend to:

(1) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;

(2) Further the objectives of the Cleveland Comprehensive Plan;

(3) Protect the public health, safety, and welfare;

(4) Reduce traffic and pedestrian hazards;

[4]Editor's note(s)—Ord. No. 2016-01, adopted Feb. 22, 2016, amended Ch. 44 in its entirety to read as herein set out. Former Ch. 44, §§ 44-1—44-35, pertained to similar subject matter. For prior history, see Code Comparative Table.

State law reference(s)—Control of signs and signals, O.C.G.A. § 32-6-50 et seq.; placement of posters, signs and advertisements on public or private property; permission and limitations, O.C.G.A. § 16-7-58; limitations on signs identifying or advertising sale of distilled spirits, O.C.G.A. § 3-4-3; restrictions on certain signs providing information in the interest of the traveling public and multiple message signs, O.C.G.A. § 32-6-75.

(5) Maintain and enhance the visual environment, and preserve the right of citizens to enjoy Cleveland's scenic beauty;

(6) Protect property values by minimizing possible adverse effects and visual blight caused by signs;

(7) Avoid harmful aspects of the unrestricted proliferation of signs;

(8) Promote economic development; and

(9) Ensure the fair and consistent enforcement of sign regulations.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-3. Applicability and severance.

The regulations set forth in this chapter shall apply and govern in all zoning districts. Within the City of Cleveland, no sign shall be erected or maintained unless it is in compliance with this chapter. In the event that a court should adjudge any part of this chapter a violation of the Georgia or United States Constitution or any other provision of law, it is the specific intent of the mayor and city council that the offending provision or provisions be stricken from this chapter and the remainder of the chapter stay in effect to regulate signs on property within the City of Cleveland. This severance section is in addition to the legislative intent expressed elsewhere in this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-4. Definitions.

(a) For the purposes of this chapter, certain terms and words are hereby defined. As used in this chapter, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them in this section:

A-frame sign means any portable sign or structure no greater in size than two feet wide by three feet high and composed of up to two sign faces mounted or attached back-to-back in such a manner as to form a triangular vertical cross section through the faces.

Abandoned sign means a permanent sign on property containing a building or activity that has ceased operations. Permanent signs on property shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds; provided however, that this definition shall not apply in any case where a business or activity is temporarily suspended and there is substantial evidence that the business or activity will resume within a six-month period. An abandoned sign may also be any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt and may or may not have a person, who accepts maintenance responsibility.

Alterations mean change or rearrangement in the structural parts or its size, whether by extending on one side, by increasing the area or height, or in moving from one location or position to another.

Animated sign means a sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. Including, but not limited to, signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light density, brightness, or contrast. This definition does not include a "swinging sign" or "multiple message sign" as defined by this chapter. For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the same size. The display of street address on a ground sign, wall sign, or window sign, shall not be included in the computation determining the maximum allowable area of a ground, wall, or window sign.

Awning means an architectural projection or shelter projecting from, supported by the exterior wall of a building, and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be permanent or retractable.

Awning sign shall be considered a "wall" sign.

Banner means a sign made of cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For the purposes of this chapter, a "banner" is considered a "sign." Neither flags nor canopy signs are considered banners.

Billboard means a freestanding sign larger than 200 square feet in area.

Billboard digital or *digital billboard* means a freestanding sign larger than 200 square feet in area and programmable by a computer capable of displaying words, symbols, figures or picture images that can be altered or rearranged on site or by remote means without altering the face or surface of the sign.

Building means any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including, but not limited to, manufactured homes.

Building face or *wall* means all window and wall area of building in one plane or elevation.

Building marker means any sign cut into a masonry surface or made of bronze or other permanent material and which relates to its construction and/or dedication.

Building official means the person or persons designated by the mayor and city council to administer this chapter, or to act on behalf of the city in said administration.

Canopy means a structure constructed of fabric or other material other than an awning placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building or supports extended to the ground directly under the canopy or cantilevered from the building. Signs placed on canopies are considered "wall signs."

Changeable copy sign means a sign or portion thereof with letters, numerals, or graphics that can be changed either manually or electronically. The electronic change of letters, numerals, graphics must be a static change and cannot dissolve, fade, travel, or scroll and must not change more than once every 30 seconds. A sign on which the letters, numerals, or graphics change more often than once every 30 seconds shall be considered an animated sign (prohibited) and not a changeable copy sign for purposes of this chapter.

City means the City of Cleveland.

Cleveland Code of Ordinances means those ordinances codified in the Code of Ordinances of the City of Cleveland, together with those ordinances duly ordained and adopted by the mayor and council, but not yet codified.

Directory sign means a sign, which is situated on a premise with more than one tenant or occupant of a building. It may be freestanding or attached.

Sign districts, as referenced in this chapter, are defined as follows:

(1) Sign District 1—Historic Downtown District is coterminous with the B-1—Central Business District as established in the Zoning Ordinance of the City of Cleveland, as amended, and the boundaries of which are established on the Official Zoning Map of the City of Cleveland, as may be amended from time to time.

(2) Sign District 2—Commercial and Residential District is bounded by the following street segments and landmarks: (i) Henderson Street to Quillian Street; (ii) Cemetery Street to Dixon Street; (iii) Bell Street to Wilford Ash Parkway; and (iv) Jackson Street to Old Nacoochee Road.

(3) Sign District 3—High Density Commercial District is bounded by the following street segments and landmarks: (i) Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; (ii) Quillian Street to City limits—South; Dixon Street to City limits—East; (iii) Wilford Ash Parkway to City limits—West; and (iv) Old Nacoochee Road to City limits—North.

Double-faced sign means a sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction. Only one face shall be used in computing allowable sign area.

Erect means to construct, build, raise, assemble, place, affix, attach, create, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to message change, maintenance or repair of a sign structure.

Flag means any unframed fabric or bunting.

Frontage of a building means the width in linear feet of the front exterior wall of a particular building in which an establishment is located.

Frontage along a right-of-way or road or street means the distance in linear feet of each lot where it abuts the right-of-way of any public or private street.

Grandfathered sign has the same meaning as "nonconforming sign" as hereinafter defined.

Ground sign means a permanently affixed sign which is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

Hanging sign means a sign that is suspended parallel, or perpendicular from a building, wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

Height of sign means the vertical distance measured from the normal grade of the ground at the base of the sign and shall include the air space between the ground and the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.

Historic district means the city's B-I—Central Business District as established in the Zoning Ordinance of the City of Cleveland, as amended, and the boundaries of which are established on the Official Zoning Map of the City of Cleveland, as may be amended from time to time.

Internally illuminated sign means a sign illuminated by an internal light source which is viewed through a translucent panel.

Indoor sign means a sign only visible from inside business or other establishment. All indoor signs must be located three feet or further within the interior of such establishment.

Inflatable sign means any sign, symbol, figure, or character that is or can be filled with three cubic feet or more of air or gas. Inflatable signs include, but are not limited to, balloons of such size.

Informational sign means a sign with an area not greater than six square feet for residential zoning districts and 16 square feet for nonresidential zoning districts with a sign face made for short term use, containing no reflecting elements, flags, or projections which, when erect, stands at a height no greater than three feet from the normal grade in residential zoning districts and five feet from the normal grade in nonresidential zoning districts at the base of the sign to the highest point on the sign.

Mansard sign means a sign attached to a sloped roof or roof-like facade architecturally comparable to, or functioning as, a building wall.

Marquee means a roof-like structure attached to and supported by a building wall (with no vertical supports) and that projects in a cantilever fashion from the wall of the building. Such signs are similar to a movie theater sign.

Marquee sign means a sign painted on, attached to, or hung from a marquee. For purposes of this chapter, marquee signs shall be considered "wall signs."

Master sign plan means a plan establishing parameters for the size, location, and structure of signs located on, or to be located on, a property which contains multiple uses, buildings, or tenants but which is constructed or managed as a single development.

Mayor and *council* means the mayor and city council of the City of Cleveland.

Monument sign means a sign supported entirely by a base structure. The base structure shall be a minimum of two feet by four feet in size and permanently affixed to the ground and which is composed of brick, stone, rock, or stucco. A monument sign shall not be mounted on a pole or poles. Changeable copy on such a sign shall not exceed 30 percent of the area of the sign face.

Multiple message sign means a sign, display, or device which changes the message or copy on the sign electronically or by movement or rotation of panels or slats.

Neon sign means a luminous-tube sign that contains neon or other inert gases at a low pressure.

Nonconforming sign means any sign which lawfully existed on the effective date of this chapter, but which does not conform to the provisions of this chapter, or which does not comply with this chapter due to amendments since the date of erection of the sign.

Off-premises sign means a permanent sign not related to the site on which it is located or that directs persons to a different location than where the sign is located.

Out-of-store marketing device means any facility or equipment which is located outside a primary building on a site zoned for noncommercial or commercial uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which device is manufactured to include color, form, graphic, illumination, symbol, and/or writing thereon designed to communicate information regarding the product or service provided by such device to the public. Examples of out-of-store marketing devices include, but are not limited to, the following; fuel pumps, ATM units, vending machines, newspaper racks, drink machines, iceboxes, and phone booths. An out-of-store marketing device shall be deemed to be a sign for the purposes of this chapter, but shall not be included in the calculation of the area of allowed signs.

Pennant means a small, triangular, or rectangular flag or multiples thereof made of lightweight plastic, fabric or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this chapter a pennant is a "sign."

Person means any person, legal or natural, including, but not limited to, any business entity, firm, institution, or other entity.

Portable sign means any sign whether on its own trailer, wheels or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising or other messages may be changed at will by the replacement of lettering or symbols (i.e., changeable copy sign). Even if the wheels or supports of such signs are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, such sign shall remain a portable sign.

Portico means a porch or walkway, open to the outside air that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to porticos are considered "wall signs" for purposes of this chapter.

Principal use sign means any sign which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which message is not regulated by this chapter.

Projecting sign means a sign projecting more than 14 inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located or attached.

Public property means property owned by a government entity.

Right-of-way means the right-of-way of any public road or street, as well as the Cleveland public square, and the right-of-way of any private subdivision road or street.

Roof sign means a sign projecting higher than the front building wall or any sign supported by or attached to said roof.

Rope lighting means lighting made up of tiny lights, usually incandescent bulbs or light emitting diodes (LEDs), which are spaced along a wire or other medium for power.

Sidewalk sign means a movable sign not secured or attached to the ground or surface upon which it is located.

Sign means a lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public or private right-of-way, or from an adjacent property, except as specifically noted otherwise in this chapter. For purposes of this chapter, the term "sign" includes, but is not limited to, "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" also includes, but is not limited to, all structural components, supports, lighting systems, attachments, ornaments, and other features used to support the sign or draw the attention of the observers to the sign.

Sign area means the area of the smallest rectangle within which all elements of a flat sign are contained (a flat sign being a sign with either two display surfaces facing exactly opposite directions or one display surface facing in one direction if against the wall of a building), or the maximum projected surface area (projected in one direction) of any other sign. Provided however:

(1) Supporting structures for signs shall not be counted in the sign area, provided such supporting structures consist of posts, hangers, or brackets of the minimum number and size necessary to support the sign. A wall or fence on which a sign is mounted shall not be counted in the sign area, provided such wall or fence serves primarily to enclose, divide, or protect an area; and

(2) Supporting structures of natural finish masonry, rock, stone, stucco, or wood, or any combination thereof, shall not be counted in the sign area, provided that:

   a. Such structures do not extend more than one foot above the sign or two feet beyond the ends of the sign;

   b. The height of the combined sign and supporting structure does not exceed the maximum height allowed in this chapter; and

   c. The area of the combined sign and supporting structure does not exceed twice the area of the sign itself.

Streamer shall have the same definition as "pennant," as defined in this chapter.

Structure means the supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

Subdivision or multiuse sign means a freestanding monument sign pertaining to a subdivision designed for residences, offices, businesses, institutions, or industries, or any combination thereof.

Swinging sign means a sign, other than an animated sign as defined by this chapter, where the sign copy area or sign area is attached to a sign structure in a way that can be set in motion with pressure, and the sign structure

is attached to a building at a height above normal eye level. This term does not include freestanding signs. A swinging sign may be considered in lieu of a permitted wall sign.

Temporary sign means a display, sign, or banner with or without a structural frame, not permanently mounted, and intended to be displayed for only a limited time.

Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign means a single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which, if attached to a wall or portico, and does not project more than 14 inches from the outside wall of such building or structure, or is on an awning or canopy.

Windblown device means any device not otherwise specifically defined in this chapter, which is designed to inform or attract whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of this chapter, windblown devices are signs.

Window sign means any sign which is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including, but not limited to, doors, or located within three feet of the interior of a building glass area, including, but not limited to, doors.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-5. Exemptions.

(a) Any sign which is specifically exempted from the permitting requirements of this chapter shall be exempt from the requirement to obtain a sign permit. Exemption from the requirement of a sign permit shall not be construed to exempt such sign from compliance with other applicable provisions of this chapter nor from the applicable provisions of the Code of Ordinances of the City of Cleveland. The following types of signs are specifically exempted from compliance with the requirement to obtain a sign permit under this chapter:

(1) Flags, as many as three per lot, when displayed in a way that allows for routine, daily raising and lowering of the flags, each of which shall not exceed 40 square feet in area. Poles for such flags shall not exceed 25 feet in height and shall not be more than 25 feet from the main building entrance.

(2) Street address identifiers and building identification numbers on multi-tenant buildings which are essential to identifying the location of such buildings.

(3) Signs not oriented or intended to be legible from a public right-of-way, private road or driveway, or other private property. Signs or stickers which are designed to be read only from close range (i.e., five feet or less) attached to a device or structure more than 25 feet from the right-of-way, not to exceed one square foot for each sign or sticker.

(4) Signs erected more than three feet inside a building.

(5) Building markers and integral decorative or architectural features, so long as such features do not contain moving parts or lights.

(6) Traffic safety and traffic directional signs installed within the right-of-way of a public street under the authority of the government with jurisdiction over such right-of-way.

(7) Traffic safety and traffic directional signs along private streets and driveways, and in off-street parking areas that are installed in accordance with the requirements of the City of Cleveland and each of which do not exceed four square feet area.

(8) Signs posted by authorized government officials in the performance of an official duty on public land or on public right-of-way.

(9) Holiday lights and decorations, provided that they are removed within 45 days following the holiday season to which they pertain. Businesses whose primary business is holiday sales, are exempt from removing holiday lights and decorations.

(10) Handicapped parking signs, when required per local, state, or federal law.

(11) Any sign no larger than four square feet in area that is posted by a city resident at the location of their residence.

(b) Provided however, in each and every case, where a sign of a certain size is exempted from the permitting requirements of this section and an applicant desires to erect a larger size sign than the area of the sign exempted, but said sign is not allowed, said sign shall only be permitted upon the approval of a variance in accordance with the provisions of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-6. Interpretation and enforcement and construction standards.

(a) *Interpretation and enforcement.* The Cleveland Building Official, designated by the mayor and council, shall be responsible for the administration of this chapter. A violation of this chapter is a misdemeanor.

(b) *Construction standards.* All signs permitted under this chapter shall be constructed and maintained in accordance with the applicable city building codes and the provisions of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-7. Sign permit required—Sign application—Sign permit fees.

(a) Except where specifically excluded by other provisions of this chapter, it shall be unlawful for any person, firm, or corporation, or other entity, to post, display, substantially change, alter, or erect, reconstruct, replace, or reset a sign or out-of-store marketing device in the City of Cleveland without first having obtained an authorization for such sign and thereafter a permit in the manner prescribed herein.

(b) Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the Cleveland Building Official upon forms furnished by said office. The application shall describe and set forth the following:

(1) Reference master sign plan;

(2) The type of sign as defined in this chapter;

(3) A drawing of the sign structure or other information which shows the height of the sign, the area of the face of the sign, and the structural supports of the sign, all drawn to engineering or architectural scale;

(4) The street address of the property upon which the subject sign is to be located and the proposed location of the sign on the subject property, and the suite number, where applicable;

(5) A boundary survey or tax plat of the property on which the sign will be located, and, in the case of ground signs, the distance from the property lines and the street right-of-way and street pavement;

(6) The square foot area of each sign and the aggregate square foot area if there is more than one sign face. The application must also show the location and number of existing signs and their locations on the subject property;

(7) Written description of all other signs on lot indicating sign type and placement;

(8) The name(s) and address(s) of the owner(s) of the real property upon which the subject sign is to be located, and signed consent of the owner, or his agent, granting permission for the placement or maintenance of the subject sign, which may include, but is not limited to, a copy of the lease or other document from the owner of the sign which authorized the erection thereof;

(9) Name, address, phone number, and business license number of the sign contractor; and

(10) In addition to the foregoing, the Cleveland Building Official may require additional information as a part of any application in order to ensure compliance with this chapter.

(c) No sign permit shall be issued until a sign permit fee, if required, has been paid to the city, the fee for which shall be fixed, from time to time, by the mayor and council.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-8. Sign types requiring a permit.

(a) The following signs require a permit:

(1) *Freestanding signs.*

a. Height limit:

1. Sign District 1—Historic Downtown District—B-I—Central Business District: Signs shall not exceed a height of six feet at the highest anywhere on the sign.

2. Sign District 2—Commercial and Residential District: Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Signs shall not exceed a height of ten feet at the highest point anywhere on the sign.

3. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limit—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: Signs shall not exceed a height of 16 feet at the highest point anywhere on the sign.

4. Residential subdivision entrances—All residential subdivisions and apartment complex: Signs shall not exceed a height of ten feet at the highest point of the sign.

b. Structure (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):

1. Freestanding signs are required to be monument signs in all zoning districts. A monument sign is a sign supported entirely by a base structure. The base structure shall be a minimum of two feet by four feet in size, entirely enclosed or solid with no visible open space and permanently affixed to the ground. A monument shall not be mounted on an exposed pole or exposed poles;

2. There shall be no graphics located on the vertical support structures of a freestanding sign;

3. Materials for support structure shall be natural finish masonry, stone, rock, stucco, or wood, or any combination thereof;

4. Changeable copy, if used, shall not exceed 30 percent of the area of the sign face; and

5. Where two sign faces are located in a "V" formation, the angle between the two signs shall be no greater than 60 degrees.

c. Size (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):

1. Sign District 1—Historic Downtown District—B-I—Central Business District: Sign size shall be limited to a maximum of 36 square feet.
2. Sign District 2—Commercial and Residential District: Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Sign size shall be limited to a maximum of 100 square feet.
3. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; Old Nacoochee Road to City limits—North: Sign size shall be limited to a maximum of 480 square feet. This size is limited to plaza signs and entrances to commercial developments only.
4. Sign District 3—High Density Commercial District: Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: Sign size (except the aforesaid plaza and entrance signs in said district), shall be limited to a maximum of 160 square feet. Property for the use of this sign must be recorded as its own lot of record.
5. Residential subdivision entrances—All residential subdivisions and apartment complexes: Signs shall be limited to a maximum of 70 square feet.

d. Number of signs (except as otherwise provided in section 44-8(a)(9)—Standards for Billboards):

1. Sign District 1—Historic Downtown District—B-I—Central Business District:
    i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 36 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. Signage may not be transferred from one frontage to another. Signs must be located outside the right-of-way.
2. Sign District 2—Commercial and Residential District:
    i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 100 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. This includes properties in the City that abut properties in the county. Signage may not be transferred from one frontage to another. Signs must be located outside the right-of-way.
3. Sign District 3—High Density Commercial District:
    i. A building on a tract with 50 or more feet of continuous frontage on a road right-of-way and with one or more entrances onto a road right-of-way may install a sign at each entrance, provided the combined square footage of all signs does not exceed 480 square feet. Where there is frontage on more than one such right-of-way, each frontage is treated independently provided that no two signs may be closer than 50 linear feet from one another. Signage may not

be transferred from one frontage to another. This includes properties in the city that abut properties in the county. Signs must be located outside the right-of-way. Signs which exceed 160 square feet are limited to plaza signs and to signs at entrances to commercial developments only.

ii. All other signs in this sign district shall be limited to a combined square footage of 160 square feet per each lot of record. No two such signs may be closer than 50 linear feet from one another, and such signage may not be transferred from one frontage to another. This includes properties in the city that abut properties in the county.

4. Residential subdivisions may install a freestanding sign at each entrance, provided that the combined area of all freestanding signs does not exceed 70 square feet.

e. Location and orientation.

1. Sign District 1—Historic Downtown District—B-I—Central Business District: Signs shall be located outside the right-of-way. No sign or sign structure shall be placed onto or obscure or damage any significant architectural feature of a building, including, but not limited to, a window, door frame, cornice, molding, ornamental feature, or unusual or fragile material. Rights-of-way vary in width in this sign district. The Cleveland public square shall be deemed to be part of such rights-of-way.

2. All other locations.

i. All signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way; and

ii. No freestanding sign may be within 50 feet of another freestanding sign (including signs outside the limits), however, within the Sign District 1—Historic Downtown District—B -I Central Business District, freestanding signs may be located within 20 feet of one another.

(2) *Wall and mansard signs*. Wall and mansard signs shall be permitted on the wall or mansard of a building facing a public street. If a building has public street frontage on more than one side, a wall or mansard sign may be allowed on either the main entrance or on any side facing a public street. These signs are subject to the following:

a. Wall and mansard signs are allowed in all nonresidential zoning districts;

b. If a building is located on a lot that has no street frontage, wall or mansard signs shall be permitted on a single facade;

c. Wall or mansard signs attached flat against the exterior surface of a building may extend not more than six inches from the wall;

d. The total area for wall or mansard signage shall not exceed the lesser of 20 percent of the area of the building wall or 360 square feet;

e. A directory sign is a wall sign for the purposes of this chapter;

f. For buildings with multiple tenants having storefronts only, the facade rented by the tenant shall be considered as the wall area for a sign area calculation;

g. No part of a wall or mansard sign shall be located more than 25 feet above the existing level of the ground beneath such sign;

h. Wall or mansard signs shall not extend more than three feet above the bottom edge of the eave line of the mansard to which said sign is attached, or more than three feet above the top of the parapet of the wall to which such sign is attached;

i. Changeable copy shall not exceed 30 percent of the area of the sign face;

j. When a wall or mansard sign is formed by placing individual letters, numbers, figures, symbols, trademarks, or other graphics, or any combination thereof, without a distinguishing discrete or framed background, the area of the sign shall be the area enclosed by a contiguous perimeter line drawn around all the letters, numbers, figures, symbols, trademarks, or other graphics, in any combination, which make up the sign. Any letter, number, figure, symbol, trademark, or other graphic in such a sign which is separated by more than 36 inches from any other letter, number, figure, symbol, trademark, or other graphic in such a sign, shall be considered a separate sign;

k. No tenant wall signs are allowed above the second floor of a multi-tenant building. Second floor tenants must have primary direct access from their space to the outside from the second floor area. The access must include outside walkways and stairways properly designated for public use; and

l. A master sign plan is required.

(3) *Projecting and hanging signs*. One projecting or hanging non-illuminated sign for each business or tenant shall be allowed subject to the following:

a. The sign is located in a non-residential zoning district;

b. The sign is located over a public entrance door to an occupied building;

c. The sign is no more than nine square feet in area;

d. The sign may not project more than 36 inches from the wall;

e. The sign is suspended from the eave or soffit of the building or extends from the wall;

f. The sign maintains a minimum of eight feet clearance between the bottom of the sign and the walkway below; and

g. The sign shall not extend vertically beyond the windowsill of the second story.

(4) *Banners*. One banner is allowed on each developed lot in nonresidential zoning districts subject to the following conditions:

a. One banner for each business or organization may be erected for no more than 120 days during a calendar year for the same business or organization. The duration of a temporary event for such banner shall not last longer than 15 consecutive days and shall not take place more frequently than four times in any calendar year for the same business or organization. The 15 days do not have to be consecutive;

b. The maximum size of the banner shall not exceed 35 square feet, and the height shall not exceed five feet;

c. All banners shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the banner must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a banner be allowed to obscure vision at a street or driveway intersection. For traffic safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection;

d. Hanging banners must maintain a minimum eight-foot clearance between the bottom of the banner and the walkway below; and

e. Banners shall not be placed above the second floor or higher than 25 feet above ground level beneath it, whichever is less.

(5) A-frame signs are allowed in all nonresidential zoning districts subject to the following conditions:

a. Any portable sign or structure composed of two sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces, provided that the A-frame sign is no greater than two feet wide and three feet high and that the location of the A-frame sign is located on a public or private sidewalk and shall be located so as to leave an unobstructed width of 60 inches for passage along the sidewalk. Said sign must be located in front of the business served and no greater than 12 feet from the main entrance to the business served. Should a permit for an A-frame sign be denied by the because of lack of sufficient unobstructed pedestrian access, then the denied business may add a wall or window sign not to exceed a size limit of two feet wide by three feet high or a window sign, which window sign may not exceed two feet by three feet. Neither such wall nor the window sign, however, shall exceed other applicable signage restrictions in this chapter.

(6) Window signs are permitted in all nonresidential zoning districts subject to the following conditions:

a. The maximum area of the window sign shall be 30 percent of the available glass area based on the definition of window sign set forth in this chapter. Signage that is located inside the building within three feet of the window that is intended to be viewed from the outside, is considered included in the window area limitation. Available glass shall be measured by considering an entire window unit exclusive of any mullions. In commercial zoning districts, other than the B-I Central Business District (Sign District 1), one lighted window sign shall be allowed and may include neon or similar type signage. Said lighted window sign cannot be a sign which changes copy electronically using switches and electric lamps, or any other electric means, or which flashes, blinks, or scrolls. However, the sign may be a fiber optic, neon, or light-emitting diodes (LED) sign, which shall not be greater than 324 square inches in area.

b. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein second floor tenants have primary direct access from their space to the outside from the second floor level. The access must include outside walkways and stairways properly designated for public use.

c. In no case shall any window sign be installed, applied, affixed, hung, or painted above the level of the second floor windows.

(7) *Signage during construction.* Two additional signs shall be allowed during construction of a residential or non-residential subdivision subject to the following conditions:

a. *Illumination*. Such signs shall not be internally illuminated.

b. *Duration*. Such signs shall be allowed during the period beginning with the issuance of a land disturbance permit and ending with the earlier of the issuance of a certificate of occupancy or the installation of a permanent sign at the residential or nonresidential subdivision entrance.

c. *Size*. The sign shall not exceed 16 square feet in area and five feet in height in the B-I Central Business District and shall not exceed 16 square feet in area and seven feet in height in all other areas in the city.

d. *Location*. All signs shall have a minimum setback of 15 feet from the rear and side from side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will such a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, sign shall not be located within the triangular

area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(8) *Residential subdivision entrance.* No more than two freestanding monument signs shall be allowed to be placed at each entrance of a residential subdivision, including but not limited to, multi-family complexes, subject to the following conditions:

a. Such signs must be placed on common property under the ownership of the developer, Home Owners Association (HOA), or apartment complex owner;

b. The sign face shall not exceed 70 square feet in area and six feet in height;

c. If the sign or sign structure is attached to a decorative wall or fence, the decorative wall or fence shall not exceed ten feet in height. The post and/or columns of the decorative wall or fence shall not exceed ten feet in height;

d. Such signs shall not be internally illuminated;

e. The permit for such sign shall not be issued until the final subdivision plat is approved by the city; and

f. All such signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection. For traffic safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(9) *Standards for billboards.* Billboards are allowed in Sign District 3—High Density Commercial District subject to the standards and conditions hereafter set out and as may be stated elsewhere in this chapter. Due to the historic nature of Sign District 1—Historic Downtown District, and the high density of residential development common in Sign District 2—Commercial and Residential District, billboards are prohibited in Sign District 1—Historic Downtown District and in the Sign District 2—Commercial and Residential District. Billboards should not be used as the primary sign for a business.

a. *General standards*. This section 44.8(a)(9)—Standards for Billboards, shall apply to prohibit the erection of new billboards in the City of Cleveland, or the reconstruction of existing billboards, to the fullest extent that is not inconsistent with state and federal law or with the provisions of this chapter allowing for the reduction of the overall number of billboards within city.

1. *Permit required*. No billboard shall be permitted to be erected or reconstructed without a permit from the city building official.

2. *No new billboards.* After the effective date of this chapter, the city building official shall not issue permits for new billboard structures except as required by Georgia or federal law and/or permitted by the provisions of this chapter.

3. *Billboards are primary structures.* After the effective date of this chapter, all billboards shall be classified as primary structures, and a billboard which is in compliance with the applicable provisions of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, and applicable state and federal regulations, may be located on a lot or parcel that contains another primary structure, if such location on such lot or parcel is allowed by the applicable provisions of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, and applicable state and federal regulations.

b. *Location, area, and height*. All billboard structures required to be permitted under state or federal law, and erected so as to be visible from any public, state or federal road shall conform to the following standards:

1. *General*. All billboard structures erected abutting or so as to be visible from the right-of-way of any state highway that is a limited or controlled access highway shall conform with O.C.G.A. § 32-6-75 et seq., as amended, and shall meet all federal and state requirements necessary to obtain a permit under said code and associated regulations. In instances where the sign controls of this chapter are stricter, this chapter shall apply. Billboards shall only be located on tracts or parcels located in Sign District 3—High Density Commercial District. which are also situated within the B-2—Highway Commercial zoning district of the city or within the I—Industrial zoning district of the city.
2. *Structure type.* Only one billboard shall be allowed to face the same direction per each location. This allows back-to-back or V-formation signs, provided they are joined by a mutual or attached frame, but prohibits two signs stacked or side-by-side facing the same direction.
3. *Setback*. All billboard signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, all such signs must be at least 15 feet from the pavement and no more than 65 feet outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, no such sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
4. *Spacing*. On all roads, except divided lane four-lane highways and limited or controlled access highways, no billboard structure shall be permitted within 1,500 feet of another billboard along the same side of the road or within 1,000 feet of any residential or agricultural zoning district, public park, public building, public playground, public recreation area, public forest, scenic area, cemetery, or religious building, regardless of whether the measurements extend outside of city limits.
5. *Spacing*. On divided four-lane highways and limited or controlled access highways no billboard structure shall be permitted within 1,500 feet of another billboard, measuring from the two closest points, regardless of whether the measurements extend outside of city limits.
6. *Maximum sign area*. On all roads, except divided lane four-lane highways and limited or controlled access highways, the maximum sign area permitted for each face of the structure shall not exceed 378 square feet with or without trim.
7. *Maximum sign area.* On divided four-lane highways and limited or controlled access highways the maximum sign area permitted for each face of the structure shall not exceed 378 square feet with or without trim.
8. *Sign height.* All signs shall be a minimum of ten feet above the adjacent road crown measuring from the lower portion of the sign face. No sign shall exceed the height of 22.5 feet above the level either the road crown or the ground surface, whichever is higher. Two signs in the same location back-to-back or in a V-formation shall be the same height above the crown of the road pavement surface. Height includes the supporting structure and the sign.
9. *Extrusions prohibited.* Extrusions or extensions beyond the face of the sign, excluding aprons, are prohibited.
10. *Lighting*. No illumination of off-premises signs shall be permitted.

c. *Digital billboard conversion and location.* Any legally erected billboard may be converted to a digital billboard so long as it meets the following standards and conditions:

1. Replacement of a static billboard with a digital billboard shall be subject to the following:

    i. Two square feet of existing static billboard display shall be removed within the city limits for each one square foot of digital billboard display area, either newly constructed or installed as a modification and/or conversion of an existing static billboard. The two square feet removed must be from physically completed static billboards with complete sign faces. No partially erected or partially completed signs may be used to qualify for the requirement.

    ii. The applicant shall provide an inventory of their outdoor advertising sign locations within the city. A person or entity that converts an existing static billboard to a digital billboard must provide, with each permit application, a complete current inventory of its billboards located within the incorporated limits of the city. The inventory shall include for each structure the location (longitude and latitude), size, number of sign faces, and type of illumination.

    iii. No person shall convert an existing static billboard structure to a digital billboard structure without first obtaining a sign permit as required by this chapter.

    iv. Digital billboards shall be the same size or smaller than the static billboard being replaced.

    v. A digital billboard replacing a nonconforming static billboard may be permitted if approved by the city building official.

2. *Construction of digital billboards in new locations.*

    i. After removing two square feet of existing static billboard display in accordance with this chapter, a new structure may be erected containing a digital billboard if the location is approved by the city building official.

    ii. The city building official shall be authorized to permit the installation of any new digital billboard structure in any location within the city so long as the location complies with all applicable state and federal regulations pertaining to outdoor advertising, this chapter, and the applicable provisions of the Cleveland Code of Ordinances.

3. *Digital billboard operational standards.*

    i. Digital billboards shall display static images for a period of at least 20 seconds before instantaneously transitioning to another static image.

    ii. Animation, frame effects, flashing, and the appearance of movement, by any method whatsoever, shall be explicitly prohibited.

    iii. All digital billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

    iv. No digital billboard shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot-candle meter at a preset distance depending on sign area. Measuring distance shall be determined by the following equation: the square root of the product of the sign area and 100. For example, using a 200 square foot digital billboard: (200x100) = 141.4 feet measuring distance.

v. The city will from time to time check the brightness of each digital billboard to verify the levels specified in this chapter are met. If the owner of a sign fails to control brightness within these limits, the sign permit will be revoked. Should a permit be revoked, the sign must be turned off immediately and remain off unless and until the sign is re-permitted. Re-permitting shall require the owner to reapply in accordance with the procedures in place at the time of the new permit application and shall require payment of the fees required for a new permit.

vi. All digital billboards shall have a switch or circuit breaker located on the property where they are located that allows electrical power to be turned off. The owner of each digital billboard shall provide the city contact information for a 24-hour, seven-day per week contact person who has authority and is able to turn off the sign promptly if a malfunction occurs. If at any time more than 30 percent of the digital display area malfunctions or are longer working property, the owner of the digital billboard shall turn off the electronic display until repairs are made.

4. *Emergency compliance*. The permit holder of a digital billboard shall coordinate with city and other governmental authorities to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks, or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information, or protocols established by the Georgia Department of Transportation.

d. *Nonconforming billboards*. Any legally erected sign that would become nonconforming as a result of this chapter will be allowed to remain in accordance with this chapter, or until purchased by the Georgia Department of Transportation or the city, provided that the sign owner meets the requirements of state laws, rules, and regulations governing such signs. No nonconforming billboard shall be allowed to be increased in size or height or relocated on the property but may be decreased in size or height and/or may be converted to a digital billboard subject to the requirements of this chapter.

1. Billboards may not be used as the primary sign for a business.

2. Billboards will not be permitted on top of buildings or on top of roofs.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-9. Sign permits—Process.

(a) *Purpose*. The purpose of this section is to provide a mechanism for reviewing the applications for sign permits to ensure signs within the city comply with the requirements of this chapter.

(b) *Authority*. The city building official is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures and requirements of this chapter.

(c) *Applicability*. No sign, except those specifically exempted in this chapter, shall be erected, placed, reconstructed, or structurally altered without the sign owner having obtained a sign permit from the city building official pursuant to the procedures and the requirements of this chapter.

(d) *Signs for which a general permit has been granted*. Pursuant to section 44-10 of this chapter a general permit has been granted for those signs identified in said section 44-10, and no application for a sign permit is required for such signs so long as the requirements of this chapter are met.

(e) *Procedure*.

(1) *Initial submission and review of application.* Application for a sign permit must be made on the form provided by the city building official and shall be accompanied by the information and documents listed on the form and the fee as required by the mayor and council. An application will only be deemed as sufficient when all required information and accompanying documents are received by the city building official.

(2) *Action by the city building official.* Within 15 working days after the application is determined sufficient, the city building official shall review the application in accordance with this section and determine whether the application complies with the standards in this chapter.

(3) *Approval*. If the city building official finds that the application complies with the requirements of this chapter, the city building official shall approve a sign permit. Any sufficient sign application for which no action has been taken after 60 working days shall be deemed approved, unless the applicant has consented to a longer period.

(4) *Fails to comply.* If the city building official determines the application fails to comply with the requirements of this chapter, the applicant shall be provided a notification with written comments, explaining why the application fails to comply with the standards. The applicant shall be provided an opportunity to submit a revised application. If a revised application is not resubmitted within 30 days of the date of notification, the application shall be considered withdrawn and subject to a new application and remittance of accompanying fees. The time for resubmitting may be extended an additional 30 days, if requested prior to the original deadline for submittal.

(5) *Re-submittal.* A revised application shall be re-submitted to the building official and reviewed by the city building official within five working days after its re-submittal. The city building official shall approve or disapprove the application, based upon the criteria of this chapter.

(f) *Criteria*. A sign permit shall be approved upon a finding that the applicant has demonstrated the application complies with the requirements of this chapter.

(g) *Expiration*. If the work described in any sign permit has not been completed within six months from the date of issuance, the sign permit shall expire and be void; however, one six month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration of the initial permit. The permit extension fee shall be the amount of the initial permit fee.

(h) *Amendments*. A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.

(i) *Appeals*. Any person aggrieved or affected or any officer department, board, or bureau of the city affected by the determination of the city building official on an application for approval of a sign permit may appeal the determination in accordance with the procedures set forth in section 44-28 of this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-10. Signs subject to a general permit.

(a) *Purpose of general permit.* A general permit is hereby granted for the following types of signs in any zoning district, other than on lots or tracts requiring a master sign plan, provided that such signs are erected and maintained in compliance with all applicable provisions of this chapter.

(b) *Traffic control signs.*

(1) Issued by the city, county, state, or federal agency, department, or official as required by law.

(c) *Official notices.*

(1) Issued by any court with competent jurisdiction or authorized public agency, department, or official.

(d) *Flags*. Any flag provided that:

(1) No more than three flagpoles permitted per developed lot;

(2) Flags may be set in the ground or attached to a structure;

(3) No more than three flags are permitted per flagpole;

(4) All flagpoles shall be setback from each property boundary a distance equal to the height of the flagpole or 15 feet from the edge of the pavement or at least two feet outside of the right-of-way, whichever is greater, and 15 feet from side and rear lot lines. For traffic safety, flagpoles shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection;

(5) All flagpoles shall be maintained in good repair, so as not to constitute a threat to public safety;

(6) On officially designated county, state, and federal holidays, there shall be no restriction as to maximum flag size or number of flags on display in residential districts; and

(7) In nonresidential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 50 feet, whichever is less. Flagpoles in residential areas shall not exceed 25 feet in height or the height of the primary structure on the lot, whichever is less.

(e) *Window signs.*

(1) Window signs are allowed in all nonresidential zoning districts subject to the provisions of this chapter.

(2) *Window area coverage*. The maximum area of the total of all window signs shall be 30 percent of the available glass area. Signage that is located inside the building and within three feet of the window that is intended to be viewed from outside the building is considered included in the window sign area limitation. Available glass shall be measured by considering an entire window unit exclusive of any mullions. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein second floor tenants have primary direct access from their space to the outside from the second floor level. The access must include outside walkways and stairways properly designated for public use.

(3) In no case shall any window signs be installed, applied, affixed, hanging, or painted above the level of the second floor windows.

(4) Indoor signs must be three feet or more from the window and should not be intended to be seen from the public right-of-way or street and are intended for the indoor retail/service area.

(f) *Informational signs*. In addition to any other sign permitted by this chapter, two informational signs are allowed on a single lot, subject to the following:

(1) *Size limitation.*

a. For residential lots, a maximum size of six square feet of sign area, with a cumulative square footage of 12 square feet. Maximum height of any sign is three feet to the highest point anywhere on the sign.

b. For all non-residential lots, signs shall be a maximum size of 16 square feet of sign area, with a cumulative square footage of 32 square feet. The maximum height of any sign is five feet to the highest point anywhere on the sign.

(2) *Location.*

a. All signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least five feet outside of the right-of-way and must not interfere with underground utilities. If the sign would interfere with underground utilities, the informational sign must be placed further from the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection. For traffic and pedestrian safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(3) *Mounting devices.*

a. Informational signs shall be mounted on metal frames that do not exceed ¼-inch in diameter or when mounted on frames of other material such frame members cannot exceed ¾-inch by 1½-inch in size. No message may be written on the mounting hardware so that the entire message area is contained on the sign itself.

(4) *Lighting prohibited.*

a. Informational signs may not be illuminated in any manner.

(5) *Numerals*.

a. Numerals displayed for the purpose of identifying property location (911 address) affixed to a structure such as a mailbox, building facade entrance or house, or placed on the ground, not less than four inches in height and not to exceed eight inches in height. Such numerals are required for all zoning districts.

(6) *Door signs.*

a. Door signs not to exceed one square foot and not more than one sign per door.

(7) *Holiday lighting.*

a. Holiday lights and decorations, provided that they are removed within 45 days following the holiday season to which they pertain. Businesses, whose primary business is holiday sales, are exempt from removing holiday lights and decorations.

(8) *Out-of-store marketing devices.*

a. Examples of out-of-store marketing devices include, but are not limited to fuel pumps, ATM units, vending machines, newspaper racks, drink machines, iceboxes, and phone booths.

b. Out-of-store marketing devices may be allowed in non-residential zoning districts, if otherwise in compliance with the provisions of this chapter and the applicable provisions of this Code. Such devices do not require a sign permit and any not included in the calculation of overall sign areas for the lot on which such device or devices are located.

c. All out-of-store marketing devices shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the device must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will an out-of-store marketing device be allowed to obscure vision at street or driveway intersections. For traffic safety, an out-of-store marketing device shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-11. Prohibited signs.

The following types of signs are prohibited in the city, except as specifically provided by this chapter:

(1) *Abandoned signs.* A sign shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds, on which such sign is located or with which said sign is associated, provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is significant evidence that the business or activity will resume operations within a six-month period. An abandoned sign may also be any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt and may or may not have a person, who accepts maintenance responsibility.

(2) *Animated signs.* A rotating or revolving sign, or signs where all or a portion of the signs move in some manner, except those dynamic display and electronic message signs which are allowed under this chapter.

(3) *Inflatable signs.* Except as specifically permitted under a special event sign permit, inflatable signs are prohibited within any right-of-way.

(4) *Pennants*. Except as specifically permitted under a special event sign permit, pennants are prohibited within any right-of-way.

(5) *Roof signs.* Roof signs that extend more than three feet above the roof line.

(6) *Streamers and windblown devices.* Any propeller, whirling, or similar device that is designed to flutter, rotate, or display other movement under the influence of the wind, including, but not limited to, flags, except as specifically allowed in this chapter.

(7) *Signs resembling traffic signals or signs.* Signs that imitate an official traffic sign or signal. This includes, but is not limited to, signs with lights and shapes similar to those traffic safety signs, used at any location or in any manner so as to be confused with or construed as traffic control devices or traffic safety signs. No sign shall be constructed, erected, or maintained which purports to be or resembles an official traffic sign or signal except those signs officially authorized by the city or other governmental entities.

(8) *Signs creating pedestrian hazards or traffic hazards, or both.* Signs within rights-of-way, including, but not limited to, those attached to traffic signs, utility poles, or guy wires. No sign shall be erected at or near any public street or the intersection of any streets in such a manner as to create a hazard or a traffic hazard by obstructing vision, or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal. No sign shall be erected that obstructs the vision of pedestrians in a public right-of-way or the entrance of a private street or driveway to a public right-of-way.

(9) *Flashing signs, strobe, laser, and searchlights*. Any sign that contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an intermittent light source.

(10) *Hazardous signs*. No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.

(11) Any sign illuminated at such an intensity or brightness which reasonably interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent, or nearby, properties, or which reasonably creates a hazard to operators of motor vehicles.

(12) Signs attached to, drawn, or painted upon trees, rocks, or other natural features.

(13) Signs displayed on outdoor furniture, benches, trash cans, telephone booths, and similar devices, except as specifically authorized by the city as memorial devices of not more than four inches by eight inches in size.

(14) Signs attached to, drawn, or painted on utility poles, telecommunication towers and water towers or tanks unless otherwise required by local, state, or federal law.

(15) Signs with dynamic display and electronic message signs are prohibited in B-I Central Business District but may be allowed in other sign districts if in compliance with the applicable provisions of this chapter.

(16) Signs drawn or painted upon roof, building, or structure, except as otherwise expressly allowed under this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-12. Maintenance.

(a) All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. Upon discovery of a sign in need of maintenance, the city building official or Cleveland Code Enforcement Officer shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have 30 days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the city building official or Cleveland Code Enforcement Officer shall cause a citation to be issued. For the purposes of this section, the owner of the real property on which the sign is located shall be deemed the owner of the sign.

(b) It shall be unlawful, after being notified pursuant to this section and after the 30-day notice has expired, for any person to display a sign in any of the following conditions:

(1) Any element of the sign has become detached or has fallen off the sign or has become misaligned.

(2) Painted surfaces on the sign or sign structure have begun to peel or flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign is no longer in good repair.

(3) A significant number of bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off or have become misaligned.

(4) Other similar conditions of disrepair or lack of maintenance as determined by the city building official or Cleveland Code Enforcement Officer.

(5) For lighted signs, one or more illumination devices are not working and have not been repaired.

(6) The area on private property around the sign on which such sign is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make the sign readily visible.

(c) If no action is taken by the property owner or the tenant in possession under a an enforceable lease to correct such matters within said 30-day period, said sign shall be deemed a nuisance and pursuant to section 36-196 et seq. of the Code of Ordinances of the City of Cleveland, the City of Cleveland shall have full authority to abate said nuisance in accordance with the provisions thereof and to claim and secure all remedies allowed thereby. The costs of such abatement shall be borne by the property owner and such tenant, jointly and severally, and shall constitute a lien on the property owner and such tenant.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-13. Abandoned signs.

(a) If the business, use, or activity on a property has ceased operations, leaving a sign which may have been permitted in connection with said business, and such if such sign has been found by the city building official to have been abandoned, as defined in this chapter, or as declared by the property owner or tenant, such sign, including its supports, shall be removed or modified as hereinafter allowed by the property owner within 30 days after written notice from the city building official of such building official's determination that said sign is an abandoned sign under the provisions of this chapter. No new sign will be permitted to be erected until said abandoned sign, and its supports, have been removed or converted into a sign lawfully conforming with the requirements of this chapter.

(b) If such abandoned sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another use is established for the location of the former business, use or activity, and a new sign permit issued for such new business, use, or activity. If such abandoned sign contains a sign copy area that is not removable without disassembling the sign, then the said sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas so that the sign copy and/or underlying structure which was permitted in connection with said former business, use, or activity is no longer visible, until another use is established for the location of the former business, use or activity, and a new sign permit issued for such new business, use, or activity.

(c) For the purposes of this section, the owner of the real property on which the sign is located shall be deemed the owner of the sign.

(d) If no action is taken by the property owner or the tenant in possession under a an enforceable lease to correct such matters within said 30-day period, said sign shall be deemed a nuisance and pursuant to section 36-196 et seq. of the Code of Ordinances of the City of Cleveland, the City of Cleveland shall have full authority to abate said nuisance in accordance with the provisions thereof and to claim and secure all remedies allowed thereby. The costs of such abatement shall be borne by the property owner and such tenant, jointly and severally, and shall constitute a lien on the property of such property owner and such tenant.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-14. Replacement of nonconforming sign.

(a) A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs may be permitted after a proper sign permit has been obtained from the city.

(b) A change of property owner will require the new owner to prepare and submit and have approved by the city a master sign plan and the new owner will be required to have all non-conforming signs conform to the provisions of this chapter then in effect.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-15. Repairs and maintenance to nonconforming signs.

No structural repairs to, or change in shape or size of, a nonconforming sign shall be allowed except to make the sign comply with the requirements of this chapter after a proper sign permit has been obtained from the city.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-16. Duration and continuance of nonconforming signs.

Signs which do not meet all requirements of this chapter when enacted, or which do not meet provisions of this chapter at the time of its adoption, may stay in place, if not in violation of any of the requirements set out in sections 44-12 and 44-13 of this chapter, until one of the following conditions occurs:

(1) The deterioration of the sign or damage to the sign makes it a hazard.

(2) No conforming principal use or accessory use, ground or wall sign, shall be permitted to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this chapter.

(3) Upon a change of ownership, the subsequent owner will be granted six months to bring all nonconforming signs into conformance with the City of Cleveland sign regulations.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-17. Display of property address required.

It is of the upmost importance that public safety personnel, mail carriers, and the general public be able to conveniently locate buildings, institutions, businesses, and establishments by their property address. Therefore, to ensure this essential public purpose is served, establishments other than single-family dwellings shall display the street address of the property either on a principal use ground sign or on the building facade. Within a commercial center where multiple addresses exist, the highest and lowest street numbers shall be identified. Street address numbers shall be of a material that is in clear contrast with the background. Numbers shall not be less than four inches in height and not exceed eight inches in height on or adjacent to rights-of-way within the city, including, but not limited to local roads, state, and federal highways. Numbers shall be visible from both directions of travel along such rights-of-way. Single-family homes are required to post a street address on a mailbox, or a small ground sign in front of the dwelling which is not obscured by vegetation. Numbers shall be not less than four inches in height and not exceed eight inches in height on rights-of-way within the city, including, but not limited to, local roads, state, and federal highways.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-18. Height of ground signs.

Height of a ground sign (except as otherwise provided in this chapter in section 44-8(a)(9)—standards for billboards), is measured from the normal grade ground at the base of the sign, and is limited as follows:

(1) Sign District 1—Historic Downtown District—B-I—Central Business District: Ground signs may not exceed a height of six feet at the highest point anywhere on the sign.

(2) Sign District 2—Commercial and Residential District—Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Ground signs may not exceed a height of ten feet at the highest point anywhere on the sign.

(3) Sign District 3—High Density Commercial District—Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North:

   a. Except billboards expressly allowed under the provisions of this chapter in section 44-8(a)(9)—Standards for Billboards, ground signs may not exceed a height of 16 feet at the highest point anywhere on the sign.

b. Billboards expressly allowed under the provisions of this chapter shall not exceed 22.5 feet in height, as more particularly set forth elsewhere in this chapter in section 44-8(a)(9)—Standards for Billboards.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-19. Increase in height of ground signs.

The maximum heights for ground signs established by this chapter shall apply to any ground sign, except for ground signs situated below the level of the adjacent road grade. If the maximum height permitted in section 44-18, and elsewhere in this chapter, would prevent adequate visibility, if all other provisions of this chapter are properly complied with, the ground sign height for a sign at such location may be allowed by the city, upon proper application made to the city, to be increased as follows:

(1) Sign District 1—Historic Downtown District—B-I—Central Business District: Ground signs may not exceed a height of six feet at the highest point anywhere on the sign when measured from the level of the adjacent road grade.

(2) Sign District 2—Commercial and Residential District—Henderson Street to Quillian Street; Cemetery Street to Dixon Drive; Bell Street to Wilford Ash Parkway; and Jackson Street to Old Nacoochee Road: Ground signs may not exceed a height of ten feet at the highest point anywhere on the sign when measured from the level of the adjacent road grade.

(3) Sign District 3—High Density Commercial District—Helen Highway; Wilford Ash Parkway; Donald E. Thurmond Parkway; Quillian Street to City limits—South; Dixon Drive to City limits—East; Wilford Ash Parkway to City limits—West; and Old Nacoochee Road to City limits—North: A sign may be sixteen feet higher above road grade.

a. Except billboards expressly allowed under the provisions of this chapter in section 44-8(a)(9)—Standards for Billboards, ground signs may not exceed a height of 16 feet at the highest point anywhere on the sign, when measured from the level of the adjacent road grade.

b. Billboards expressly allowed under the provisions of this chapter shall not exceed 22.5 feet in height (as more particularly set forth elsewhere in this chapter in section 44-8(a)(9)—Standards for Billboards) at the highest point anywhere on the sign, when measured from the level of the adjacent road grade.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-20. Sign setback.

Except as otherwise specifically provided in this chapter, all signs shall have a minimum setback of 15 feet from the rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersections. For traffic safety, a sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-21. Illumination.

Except as otherwise specifically provided in this chapter, all signs which are allowed to be illuminated under the provisions of this chapter shall be subject to the following limitations:

(1) In all sign districts externally illuminated signs shall be lighted by a white, steady, stationary light of reasonable intensity, shielded, and directed solely at the sign, so as not to cause glare or spill light on the road right-of-way, so as not to cause a traffic hazard and so as not to light up the sky or adjoining buildings. Provided however, that signs located on properties lying within a residential or agricultural zoning district shall not be externally illuminated.

(2) In all sign districts, except in the Sign District 1—Historic Downtown District—B-I—Central Business District, neon lights or rope lights outlining the perimeter of a structure may be allowed, however such neon lights or rope lights shall not be used to outline windows or doors, and any such neon light or rope light string shall not exceed three foot-candles in intensity. All such neon lights and rope lights shall be located so as not to spill light on the road right-of-way, and so as not to cause a traffic hazard.

(3) Neon lights and/or rope lights used to outline any structure and/or architectural feature of any structure which is located in the Sign District 1—Historic Downtown District—B-I—Central Business District shall be prohibited.

(4) Security lights shall be directed so as not to cause glare or spill light on the road right-of-way which would create a traffic hazard. Such security lights shall also be directed to minimize the lighting of the sky above the level of the light.

(Ord. No. 2016-01, 2-22-2016; Ord. No. 2026-01, 6-15-2026)

Sec. 44-22. Temporary signs.

Temporary signs may be permitted on commercial properties subject to the issuance of a temporary sign permit from the Cleveland Building Official. Such temporary signs shall conform to the following:

(1) No temporary sign permit shall be valid for more than 45 days in a 12-month period.

(2) One banner shall be permitted per lot. Banners shall not exceed 32 square feet, nor may it be more than 15 feet in height. Such banner may be temporarily placed or attached to a building, wall, window, railing, or ground sign, or it may be freestanding between two poles or stakes.

(3) One gas or air-filled advertising device may be permitted per lot, not to exceed a height of 15 feet above the ground. However, all gas or air-filled advertising devices are prohibited in the Sign District 1—Historic Downtown District—B-I—Central Business District.

(4) Any new business or an existing business which has changed ownership may obtain a sign permit for a temporary sign.

(5) All temporary signs shall have a minimum setback of 15 feet from rear and side property lines. For front setback, the temporary sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a temporary sign be allowed to obscure vision at a street or driveway intersection. For traffic and pedestrian safety, a temporary sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-23. Master sign plan.

A master sign plan is required for all nonresidential projects including more than one freestanding building and for all nonresidential projects including a building suitable for multiple tenants. The approved master sign plan

must be provided to tenants to ensure compliance with this chapter and the terms of the applicable master sign plan.

(1) *Approval required.* Any new construction and any re-development of a nonresidential project which includes one or more freestanding buildings shall obtain approval of a master sign plan from the city building official as part of the development review process prior to any signs being erected, other than signs permitted during construction under this chapter. All signs erected or maintained shall conform, at all times, to the approved master sign plan. The signs approved through the master sign plan are the only signs allowed, and any deviations from an approved master sign plan shall be unlawful unless and until a revised master sign plan is approved. The approved master sign plan must be provided to tenants to ensure compliance with this chapter and the terms of the applicable master sign plan.

(2) *Master sign plan application.* An application for a master sign plan shall include the following information:

a. Accurate site plan, including location of buildings, parking lots, driveways, and landscaped areas;

b. One set of drawings showing details of construction and foundation of proposed signs;

c. An accurate indication of the location of each of the present and proposed future signs of any type, whether requiring a permit or not;

d. An elevation drawing or photo depicting the proposed location of signs on any building, wall, or other structure;

e. A scaled drawing showing the size, shape, structural design, materials, and lighting of proposed signs;

f. Master sign plans must be signed by all owners or their authorized agents;

g. Any other maps, drawings, or materials as required by the Cleveland Building Official to adequately describe the sign proposal.

(3) *Master sign plan review.*

a. An application for a master sign plan shall be reviewed as part of the development review process and shall follow all procedures thereof, unless otherwise provided in this section.

(4) *Individual sign permits.*

a. Individual sign permits are required for all signs contained within an approved master sign plan.

(5) *Amendments*.

a. A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements of this chapter.

(6) *Location of entrance signs.*

a. All signs shall have a minimum setback of 15 feet from rear and side property lines. For front setback, the sign must be at least 15 feet from the pavement and outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at street or driveway intersections. For traffic and pedestrian safety, sign shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-24. Variances.

(a) *Administration by the Cleveland Building Permit Review Committee.* The Cleveland Building Permit Review Committee has responsibility for administration of this section 44-28.

(b) *Purpose*. The purpose of a variance is to provide limited and conditional relief when the strict application of this chapter, and the applicable provisions of the Cleveland Code of Ordinances, impose unusual practical difficulties or undue hardships on the applicant. Possible grounds for a variance might include, but are not limited to:

(1) Dimensional variances only (i.e., variances as to the required setback, sign size, or sign height), which variances shall not exceed ten percent of the required standard or limitation, and shall not subvert the purpose and intent of this chapter; and

(2) Extreme topographic conditions preventing the sign from being seen from the adjacent road right-of-way.

(c) *Criteria for granting a variance.*

(1) Based on the application, evidence submitted by the applicant, investigations by the city building official and such other persons as may be directed by the mayor and council; all of the following findings shall exist in order to grant a variance (documentation, including but not limited to, maps, recorded surveys, and other related documents is required):

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography; and

b. The application of this chapter to this particular piece of property would create unnecessary hardship.

(2) Variances shall not be granted:

a. If special circumstances on which the applicant relies are a result of actions of the applicant, owner, or previous property owners; or

b. To allow the use of the property in a manner or for a purpose not authorized by the Code of Ordinances of the City of Cleveland and applicable law.

(d) *Application requirements.* The owner or duly authorized agent shall file an application for variance with the city building official on the prescribed form. A complete application shall consist of:

(1) Variance request form;

(2) Copy of ordinance section from which the variance is being requested;

(3) Correspondence clearly stating the basis for the variance request;

(4) Supporting documentation necessary to give the city building official a clear understanding of the request; and

(5) Maps, recorded survey, and proposed sign plans and construction details.

(e) *Submission to Cleveland Zoning and Planning Board.*

(1) The request for variance is reviewable by the Cleveland Zoning and Planning Board if the city building official determines that the request for variance meets the criteria.

(2) The Cleveland Zoning and Planning Board shall review the request for variance upon receipt of the following items within 15 days of the determination of the city building official:

a. Correspondence clearly stating the basis for the request for Cleveland Zoning and Planning Board review;

b. City building official's recommendation;

c. Supporting documentation necessary to give the Cleveland Zoning and Planning Board a clear understanding of the request for review; and

(3) The Cleveland Zoning and Planning Board shall review the application and staff investigation report and determine whether the evidence supports finding that the required criteria have been met and approved with or without conditions or deny the application. However, the determination of the Cleveland Building Official shall remain in full force and effect pending such review and decision.

(f) *Appeal to the Cleveland Mayor and City Council.* Decisions or actions of the Cleveland Planning and Zoning Board are subject to appeal to the Cleveland City Council. However, the Cleveland Planning and Zoning Board's decision shall remain in full force and effect pending such appeal.

(g) If an applicant desires to appeal a decision or action of the Cleveland Planning and Zoning Board, the applicant shall notify the Cleveland Mayor and City Council, in writing, within ten days of the action or decision of the Cleveland Zoning and Planning Board. Upon receipt of this notice, the Cleveland Mayor and City Council shall establish a date and time to hear the appeal. The applicant's request shall include:

(1) Correspondence stating the basis for the appeal of the Cleveland Zoning and Planning Board action or decision;

(2) Applicable Cleveland Zoning and Planning Board minutes;

(3) Supporting documentation necessary to give the Cleveland Mayor and City Council a clear understanding of the appeal request; and

(4) Appeal fee as established by the Master Fee Schedule.

(h) *Conditions*.

(1) Reasonable conditions may be imposed in connection with the granting of a variance as deemed necessary to protect the best interests of the surrounding property of the neighborhood and otherwise secure the purpose and requirements of this chapter; and

(2) Guarantees and evidence shall be required that such conditions are and will continue to be in compliance with the terms of the variance and this chapter.

(i) *Compliance with conditions approval.* Adherence to the approved plans and compliance with conditions imposed in the variance are required. Any departure from conditions of approval of this variance constitutes a violation to this chapter.

(j) *Vested interest in approved variances.* A valid variance supersedes conflicting provisions or amendments unless specifically provided by the provisions of this chapter or the conditions of such variance.

(k) *Investigations and reports.* The city building official shall make an investigation to provide necessary information to ensure that the action on each application is consistent with the variance criteria. Any report of such investigation shall be included in the application file.

(l) *Revocation*. Variances shall become invalid if not exercised within one year of the date of approval or if there is a change in ownership not otherwise noted and approved at the time of the granting of the variance.

(m) *Limitations on reapplication.* The Cleveland Zoning and Planning Board shall not hear denied applications for the same or substantially similar variance application until a period of six months has elapsed.

(Ord. No. 2016-01, 2-22-2016; Ord. No. 2026-01, 6-15-2026)

Sec. 44-25. Inspections.

(a) The city building official, his or her department's staff, representatives, and agents, and Cleveland Code Enforcement Officer, and the staff of the city fire, and public works departments, shall have the power to conduct such investigations as they may reasonably deem necessary to carry out the duties and responsibilities as prescribed in this chapter. After providing proper credentials, these officials, employees, representatives, and agents may enter any property, public or private, for the purpose of investigating and inspecting the premises.

(b) No person or entity shall refuse entry or access to the city building official, his or her department's staff, representatives, and agents, and Cleveland Code Enforcement Officer, and the staff of the city fire, and public works departments, who request entry for purposes of inspection. Similarly, no person or entity shall obstruct, hamper, or interfere with the city building official, his or her department's staff, representatives, agents, Cleveland Code Enforcement Officer, and the staff of the city fire and public works departments, while in the process of carrying out the official duties of same related to this chapter.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-26. Enforcement and penalties.

(a) *Stop work orders.*

(1) Any person or entity failing to comply with any provision of this chapter shall be subject to a stop work order. Such order or notice shall be presented by the city building official or the Cleveland Code Enforcement or an authorized designee, in writing and shall state the conditions under which work may continue. Where an emergency exists, no written order or notice shall be required.

(2) The city building official or the Cleveland Code Enforcement Officer, or an agent assigned by the Cleveland Police Chief, shall present the stop work order to the owner of the property, an authorized agent of such owner, or the person or persons in charge of the activity on the property. Upon receipt of notice of the stop work order, activities in violation of this chapter shall cease immediately.

(b) *Revocation of occupation license or other authorization.* Any person failing to comply with any provision of this chapter shall be subject to revocation of the occupation license, work permit, building permit or other authorization for the conduct of business and associated work activities within the incorporated areas of this city of such person.

(c) *Enforcement in municipal court.* Any person who shall do anything prohibited in this chapter or who shall fail to do anything required by this chapter shall be guilty of a misdemeanor, amenable to the process of the municipal court of the City of Cleveland. Upon conviction, the court shall assess the person(s) or entity with a penalty, which may include fine, confinement, or both, in an amount permitted for the violation of city ordinances. The court may deem each day the violation exists as a separate offense.

(d) *Civil penalties.* Any person or entity violating any provision of this chapter shall be liable for a civil penalty as established by the Master Fee Schedule. Each day the violation continues shall constitute a separate offense.

(e) *Enforcement by injunction or mandamus.* The Cleveland Mayor and City Council, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceedings to stop the violation.

(f) *Failure to comply.* If a person or entity fails to comply within the time specified, a violation shall have occurred and in addition to other penalties, any applicable performance or surety bond shall be subject to forfeiture.

(Ord. No. 2016-01, 2-22-2016; Ord. No. 2026-01, 6-15-2026)

Sec. 44-27. City directional sign program.

(a) The city may, but shall not be required to erect, replace, repair, and maintain one or more structures upon which the city may affix, for a fee, signs identifying private commercial businesses within the city, and directing traffic in the direction of such businesses.

(b) There shall be multiple signs affixed to the same structure, on a first come, first served basis.

(c) All such signs shall be uniform in size.

(d) No business owner or operator may affix, remove, or modify any sign upon any such structure, and the entirety of the structures, and any signs affixed thereto, shall be the sole property of the city.

(e) The city shall establish and revise from time to time as necessary:

(1) An initial fee to cover the cost of manufacture, installation, affixation, and related expenses, of signs and sign structures; and

(2) An annual renewal fee to cover the cost of repair, maintenance, and replacement, of such signs and sign structures.

(f) No business owner or operator shall have a sign affixed to such sign structure, unless and until, such owner or operator shall have paid the initial fee, any renewal fee, is current on payment of all business license fees, occupation tax, and any other tax or fees owed to the city, and completed an application for affixation of such sign upon forms provided by the city.

(Ord. No. 2016-01, 2-22-2016)

Sec. 44-28. Miscellaneous provisions.

(a) *Liability*. The approval of a master sign plan and/or a sign permit pursuant to the provisions of this chapter shall not relieve any applicant or other person or entity from the responsibility for damage to any person or property nor does such approval impose any liability upon the city, its elected officials, officers, employees, and agents, for damage to any person or property.

(b) *Repeal*. The adoption of this chapter repeals ordinances and provisions of the Cleveland Code of Ordinances conflicting with the terms of this chapter. It is hereby provided that any provision of the Cleveland Code of Ordinances, and any applicable provision of governing state and federal laws, rules, and regulations, which may be applicable hereto and aid in carrying out or making effective the intent, purpose and provisions of this chapter shall be liberally construed to be in favor of the city.

(c) *Effective date.* The effective date of this chapter shall be February 22, 2016.

(Ord. No. 2016-01, 2-22-2016)

Chapter 46 SOLID WASTE[5]

ARTICLE I. IN GENERAL

Sec. 46-1. 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:

Collection means, where a person who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting solid waste from industries, offices, retail outlets, businesses, institutions, and/or similar locations, or from residential dwellings; provided that this definition shall not include an individual collecting and/or transporting waste from his own single-family dwelling unit.

Commercial premises means all premises not residential as residential is hereinafter defined in this section. Where the classification of a commercial premises cannot be determined conclusively from the foregoing definitions, such determination shall be at the discretion of the mayor or his designated representative. It is the intention of the mayor and council that any such unclassified commercial premises shall be placed in a class commensurate with the volume of solid waste produced by said premises.

Disposal facility means any facility or location where any treatment, utilization, processing, or deposition of solid waste occurs.

Disposal operation means the performance of solid waste disposal, including administration, personnel, land, equipment, design, and other elements necessary or used in the work of solid waste disposal.

Disposal site means the location of land area where the final deposition of solid waste occurs.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Hazardous waste means solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material determined to be a likely hazard to the public health, safety, or environment, except radioactive waste materials as provided for in Rules of the Department of Human Resources, chapter 270-5-20, entitled Radioactive Materials.

Industrial waste means waste materials generated in industrial operations.

Open dump means a disposal site at which solid waste from one or more sources is consolidated and left to decompose, burn, or to otherwise create environmental pollution or nuisance.

[5]State law reference(s)—Solid waste management generally, O.C.G.A. § 12-8-20 et seq.; hazardous waste management generally, O.C.G.A. § 12-8-60 et seq.; tire disposal restrictions, O.C.G.A. § 12-8-40.1; yard trimmings and disposal restrictions, O.C.G.A. § 12-8-40.2; authorization for local government units to enforce collection of taxes, fees, or assessments for solid waste management, O.C.G.A. § 12-8-39.3; authority of local governments to adopt and enforce local regulations for the handling and disposal of solid waste, O.C.G.A. § 12-8-30.9.

Putrescible wastes means wastes that are capable of being decomposed by microorganisms, including kitchen wastes, manure, offal, hatchery and poultry wastes, and garbage.

Reclamation means a controlled method of sorting and storing solid wastes for future use in accordance with an approved plan.

Refuse means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid commercial and industrial wastes.

Residential premises means all residential dwellings except motels and other dwellings offering lodging for hire.

Rubbish means nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery and similar materials.

Sanitary land filling means a method of disposing of putrescible waste and/or hazardous waste on land by placing an earth cover thereon.

Scavenge means uncontrolled picking from discarded waste materials.

Solid waste means putrescible and nonputrescible wastes (except water-carried body wastes) including garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manures, industrial wastes, residue from incineration, food-processing wastes, construction wastes, hazardous wastes, and any other waste material in a solid or semisolid state not otherwise defined in this chapter.

Solid waste handling means the storage, collection, transportation, treatment, utilization, processing, or disposing of solid wastes, or any combination thereof.

Transfer station means a facility used to transfer solid wastes from one transportation vehicle to another for transportation to a disposal facility.

(Ord. of 1-1-1989, § II; Ord. of 12-19-1998)

Sec. 44-2. Enforcement.

(a) *Generally.* The superintendent of public works shall be responsible for the administration and enforcement of this chapter. In the exercise of his solid waste management duties, said superintendent shall:

(1) Supervise the collection of solid waste, including the operation and maintenance of equipment and the supervision of personnel;

(2) Establish collection schedules in accordance with the provisions of this chapter;

(3) Inspect and regulate the operation of private collectors and private transportation and disposal systems to ensure that such operations are in compliance with the provisions of this chapter.

(b) *Limitations of authority.* All regulatory actions of the superintendent of public works shall be subject to the review of the mayor and council.

(c) *Appeal.* Any person aggrieved by a requirement of, or a fee charged by, the superintendent of public works shall have the right to appeal to the mayor and council, which body may, upon hearing, confirm, modify, or revoke such requirement or fee.

(Ord. of 1-1-1989, § IX; Ord. of 12-19-1998; Ord. No. 2026-01, 6-15-2026)

Secs. 46-3—46-22. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 46-23. Responsibility for solid waste.

The city, by and through its proper departments, shall be responsible for sanitation services within the city, including the collection and disposal of all garbage, trash and other refuse within the city except as hereinafter set out in this article; provided, however, that residential or commercial owners and occupants may dispose of refuse from their premises but each such owner or occupant will be required to pay the minimum monthly charge in order to defray part of the cost of providing sanitation and health services by the city.

(Ord. of 1-1-1989, § I; Ord. of 12-19-1998)

Sec. 46-24. Precollection.

(a) *Generally.* No person shall keep or store solid waste outside of any residence or building within the city, except in proper containers for collection or otherwise prepared, as set forth herein or under the express prior approval of the superintendent of public works. Any unauthorized accumulation of solid waste is hereby declared to be a nuisance and is prohibited. The superintendent of public works by written notice shall notify the owner or occupant of any premises with such solid waste accumulation to remove same. Failure to remove such accumulation within two weeks of the date of such written notice to do so shall be deemed a violation of these regulations and subject to penalties hereinafter set forth. A separate violation shall be deemed committed each day during or upon which such unlawful accumulation continues.

(b) *Containers.*

(1) Garbage containers shall be provided by the owner or occupant of each residence or establishment sufficient in number to accommodate such waste generated by the residence or establishment between collections. Containers shall be durable metal or plastic, watertight, nonabsorbent, rust-resistant, rodentproof, and easily cleanable. They shall be equipped with handles and tightly fitted covers and shall have a capacity of not less than 15 gallons nor more than 55 gallons, except that bulk containers of a type accepted by the superintendent of public works as suitable for mechanical collection services or by publicly owned equipment used for such collection may be used. Containers failing to comply with these provisions or which have defects causing them to scatter waste upon the ground during collection or causing them to hamper or injure the persons collecting waste shall be promptly replaced.

(2) Disposable paper or plastic bags of a type, size, and material designed for solid waste disposal may be used to contain refuse for storage and collection, provided they are unbroken, sealed, and loaded in such manner that normal handling will not cause the bag to open.

(3) No person shall place any solid waste in any container not owned by that person or in any container whose owner has not given said person permission to deposit solid waste in such container. No person shall place any solid waste in any container owned by the city without express permission of the city.

(c) *Rubbish.* Rubbish may be stored for collection in paper-board boxes or other throwaway containers strong enough to retain the waste; loose paper or cuttings shall be tied in bundles. Rubbish containers or bundles shall not exceed 50 pounds in weight. Rubbish containers or bundles shall be placed for collection beside the solid waste containers.

(d) *Placement.* On days designated as collection days for the respective routes by the superintendent of public works, garbage and/or rubbish shall be placed for collection on the curb or beside the roadway in front of the residence or establishment owning same, or if the property abuts on an alley, at the rear of the property, but not in the gutter or in the street or alley in such manner as to interfere with pedestrian or vehicular traffic.

(e) *Scavenging.* No person other than the owner or authorized collection personnel shall sift the contents of or remove anything from containers, boxes, or bundles containing garbage or rubbish.

(Ord. of 1-1-1989, § III; Ord. of 7-8-1991; Ord. of 12-19-1998)

Sec. 46-25. Collection.

Garbage, trash and refuse shall be collected from the various premises in the city by the proper departments of the city or as may be contracted by the city as follows:

(1) *Frequency.* Garbage and rubbish shall be collected as follows:

a. Residential premises: Once per week.

b. Commercial premises:

1. Premises where solid waste is collected in containers of 55 gallons or less: Twice per week, unless otherwise requested.

2. Premises where solid waste is collected in dumpsters or other containers of more than 55 gallons: Twice per week, unless otherwise requested.

3. Where necessity requires, collections may be made more frequently. Any premises obtaining additional collections shall be billed for said additional services in accordance with the frequency and magnitude of said additional services.

(2) *Limitations.* Industrial waste, large animals over 30 pounds, or waste from construction, demolition, landscaping, or processing operations will not be collected, transported, or disposed of by public facilities; but such waste collection, transportation, and disposal shall be by the owners and/or generators of such waste or animals. For the purposes of this article, landscaping waste shall include leaves, limbs and yard clippings, and demolition wastes shall include household appliances and furniture.

(Ord. of 1-1-1989, § IV; Ord. of 12-19-1998)

Sec. 46-26. Hazardous wastes prohibited.

It shall be a violation of this article to place or to cause to be placed in any container, box, or bundle, or otherwise for collection, any hazardous waste of any kind except under specific prior arrangement with the superintendent of public works.

(Ord. of 1-1-1989, § IV; Ord. of 12-19-1998)

Sec. 46-27. Private collection contractors required to be licensed.

No person other than employees of the city shall collect, transport, or dispose of solid waste for pay in the city without having first applied for and received a license to engage in such business as provided in chapter 12.

(Ord. of 1-1-1989, § IV; Ord. of 12-19-1998)

Sec. 46-28. Disposal.

All disposal of solid waste shall be at disposal sites operated in accordance with state laws and with rules and regulations of the state department of natural resources, and at no other place.

(Ord. of 1-1-1989, § V; Ord. of 12-19-1998)

Sec. 46-29. Fees and classification.

(a) *Fees.* Monthly charges for public collection and disposal of solid waste shall be as provided in the city fee schedule.

(b) *Classification of establishments.* For the purpose of determining the initial classification of establishments as to volumes of waste generated, the superintendent of public works shall make a volume survey of all establishments in the city to be served by public collection facilities. The superintendent shall observe each establishment for a period not less than one week, and the result of such survey and the classification established thereby shall be given in writing to each establishment. Similar surveys shall be made semiannually to determine whether changes should be made in classification and upon request of the owner of any establishment who feels his establishment is in an improper category, provided not more than two such surveys per year may be so requested.

(Ord. of 1-1-1989, § VI; Ord. of 1-9-1995; Ord. of 12-19-1998; Ord. of 6-13-2005, § I)

Sec. 46-30. Billing.

(a) *Against whom levied.* Service charges in accordance with the city fee schedule are levied against both the owner and the occupant of premises served, jointly and severally, but collecting from one shall relieve the other.

(b) *Charges for solid waste collection and disposal.* Charges for solid waste collection and disposal service shall be billed and collected monthly in advance by the 15th day of each month and shall be payable by the owner or occupant at the office of the city clerk. When such payment has not been made by the 15th day of any month, a ten percent penalty shall be added and collected. When such payment has not been made by the 15th day of the following month, service shall be discontinued until all arrears, including penalty, have been paid in full.

(Ord. of 1-1-1989, § VII; Ord. of 12-19-1998)

Secs. 46-31—46-48. Reserved.

ARTICLE III. LITTERING

Sec. 46-49. Definitions.

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

Dump means to throw, discard, place, deposit, discharge, burn or dispose of a substance.

Hazardous waste means any solid waste that has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency in the Solid Waste Disposal Act, 42 USC 6971, or other federal regulations.

Litter means all discarded substances and materials, including without limitation all sand, gravel, slag, brickbats, rubbish, waste materials, tin cans, refuse, garbage, trash, debris, dead animals, building or construction materials, demolition debris, mechanical equipment or parts, scrap tires, or any or all other material or substance of any kind and description resulting from domestic, industrial, commercial or mining operations.

Litter receptacle means those containers acceptable to the city and which may be standardized as to size, shape, capacity and color, as well as any other receptacles suitable for the depositing of litter.

Private property means any dwelling, house, building, or other structure, whether inhabited to be used permanently or temporarily, or continuously uninhabited or vacant, which is 100 percent privately owned, and shall include any yard, grounds, walk, parking area, driveway, porch, steps, vestibule or mailbox belonging or pertinent to the dwelling, house, building or other structure.

Public place means any area that is used or held out for use by the public, whether owned or operated by public or private interests, including but not limited to, streets, parking lots, parking garages, sidewalks, rights-of-way, parks campgrounds, highways, alleys and other public ways.

Sec. 46-50. Penalties.

(a) Any conviction for a violation of this article shall be punishable by penalties as provided in section 1-16.

(b) In addition to the other penalties authorized by this article, in the sound discretion of the judge of the court in which conviction is obtained, the person may be directed to pick up and remove any and all litter by whomsoever deposited prior to the execution of sentence from any public park or public right-of-way, or from any private property if it can be established by competent evidence that such person has deposited litter thereon (provided that prior permission of the legal owner or tenant in lawful possession is obtained), and the court may publish in a newspaper of general circulation in the city the names of such persons convicted of violating section 46-52.

(Ord. of 5-14-1990, § II(b), (c))

Sec. 46-51. Compliance.

All law enforcement agencies, officers, and officials of the state or any political subdivision thereof, including the law enforcement officers of the city, or any enforcement agency, officer, or any official of any commission of the city or any political subdivision thereof, is hereby authorized, empowered, and directed to enforce compliance with this article.

(Ord. of 5-14-1990, § IV)

Sec. 46-52. General prohibition; exceptions.

It shall be unlawful and a public nuisance for any person to dump, deposit, place, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property or any waters within the corporate limits of the city unless:

(1) The property has been designated by appropriate authority for the deposit of the litter, and the person is authorized to use the property;

(2) The litter is placed into a litter receptacle or container installed on the property;

(3) The person is the owner or tenant in lawful possession of the property or has first obtained consent of the owner or tenant or unless the act is done under the personal direction of the owner or tenant.

(Ord. of 5-14-1990, § II(a))

Sec. 46-53. Dumping; unauthorized use of refuse container.

(a) No person shall dump or otherwise dispose of litter, any waste containing hazardous substances, or other refuse or unsightly matter on any public or private property unless the property is specifically approved by the city or state for dumping.

(b) It is a violation of this article to dump any domestic, industrial, commercial or mining waste or litter, or refuse into any private dumpster, container or private collection system without permission from the owner.

(c) The dumping of any litter or waste materials into any container specifically designated as a recycling container is prohibited unless the materials discarded are properly separated and sorted into categories which are deposited into the containers specifically approved for the same type of recyclable waste and not mixed with any other debris or refuse.

Sec. 46-54. Litter from motor vehicle, etc.

(a) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance, it shall be prima facie evidence that the operator of the conveyance has violated this article.

(b) Except as provided in subsection (a) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property and it is discovered to contain any item which may include, but not be limited to, letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, said article shall create a rebuttable presumption that the person identified thereon has violated the provisions of this article.

(Ord. of 5-14-1990, § III)

Sec. 46-55. Allowing escape of load material.

(a) No vehicle shall be driven or moved on any street, highway or other public road within the city unless the vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom; provided, however, that sand or any substance for increasing traction, or water or other substance may be sprinkled on a roadway and the cleaning or maintaining of the roadway may be undertaken by the governmental agency having that responsibility.

(b) Any person operating a vehicle from which any glass, litter or other object has fallen or escaped which constitutes an obstruction or could damage a vehicle or otherwise endanger travel on the street, highway or other public road shall immediately cause the street, highway or public road to be cleaned of all glass objects and shall pay any costs for the removal.

(c) No provision of this section shall apply to any motor vehicle which is used exclusively for agricultural purposes and which is not operated on or over any public highway for any other purpose than the purpose of operating it across the highway or along the highway from one point of the owner's land to another part thereof, irrespective of whether or not the tracts adjoin or the purpose of taking the vehicle to a repair shop.

Sec. 46-56. Construction and demolition sites.

(a) All construction and demolition contractors, building permit holders, or property owners shall adhere to all provisions of this section.

(b) On-site refuse receptacles to effectively and securely handle the accumulation of all debris, paper, building material waste, scrap building materials and other trash and litter produced by those working on the site will be installed and maintained.

(c) All construction and demolition sites shall be kept in a litter-free condition. Under no circumstances shall the accumulation of littler become a threat to the public safety or to the public health, welfare, property, morality or good order of the city or portion thereof.

(d) All dirt, mud, silt, or any other earth deposited upon any public or private property, including streets and roads, as a result of construction or demolition shall be immediately removed by the permit holder as to prevent any detectable amount of accumulation which may tend to cause a threat to the public safety, property values, both real and personal, or good order of the city or environment.

(e) Any construction supplies or materials, landscaping supplies or materials, or any other material deposited on a public road or right-of-way shall be removed on a daily basis, or immediately if the presence of the materials constitutes a threat to the public health or safety. In addition to all of the remedies and relief provided herein, the police chief of the city, or the building inspector of the city, or those agents as either may designate, employ, or assign, may immediately cause to cease all work being performed at the site by the issuance of a stop work order. No further work will resume at the site until the violation is corrected and inspected by the authority that issued the stop work order and all reinspection fees that are assessed are paid in full.

(f) Under no circumstances shall any litter, waste or debris, including, not limited to, brush, limbs, stumps, roots and other byproducts of the construction or demolition process be buried on any property not expressly and properly permitted for the activity.

Sec. 46-57. Scavenging.

No person other than the owner thereof, or an agent or employee of the city, shall interfere with any container placed for the purpose of storing refuse pending collection, or remove or take any of the contents thereof, or remove any the container from the location where the container has been placed by the owner thereof.

Chapter 48 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 48-1. Adoption of development specifications.

The city has adopted, as stated in section 64-1, Standard Development Specifications, April 2002, that include street and sidewalk construction specifications. The adopted specifications shall be applicable to street and sidewalk construction within the city. A copy of the adopted specifications is available in the office of the city clerk.

Secs. 48-2—48-20. Reserved.

ARTICLE II. MAINTENANCE

Secs. 48-21—48-43. Reserved.

ARTICLE III. USE REGULATIONS

Sec. 48-44. Cutting or digging prohibited.

No person shall dig into, cut into, or otherwise cause any impairment of any public road, street, alley, or sidewalk in the city.

(Comp. Ords. 1970, § 7-1002)

Sec. 48-45. Application to city to cut or dig.

Any person desiring that public roads, streets, alleys, or sidewalks in the city be dug into, cut into, or otherwise altered or repaired, shall make application to the city through the secretary of the city council that the city perform such desired services.

(Comp. Ords. 1970, § 7-1003)

Sec. 48-46. Removal of gravel, earth, or rock.

It shall be unlawful for any person to dig or scrap up or carry away gravel, dirt, earth, rocks, or sand from any street, lane, sidewalk, or square of the city, or make any changes in the sidewalks or streets, without the permission of the city council.

(Comp. Ords. 1970, § 7-1004)

Sec. 48-47. Intrusions prohibited; removal.

No person shall so construct or have constructed, or keep, have, or maintain any fence, gate, doors, house, steps, or other structure so as to intrude on any street or sidewalk of the city. The mayor shall immediately cause such intrusion to be removed at the expense of the owner of the property from which the same extends, and the cost of the same collected from the owner.

(Comp. Ords. 1970, § 7-1005)

Sec. 48-48. Assemblages obstructing passage.

It shall be unlawful for persons to assemble in a crowd so as to in any manner obstruct the free passage of the streets or sidewalks in the city. Each person forming a part of such assembly, after notice by any officer or police officer of the city to disperse, shall be punished as prescribed in section 1-16.

(Comp. Ords. 1970, § 7-1007)

Sec. 48-49. Shade trees.

It shall be unlawful to injure or destroy any shade trees on the streets, sidewalks, public squares, or cemeteries of the city.

(Comp. Ords. 1970, § 7-1008)

Sec. 48-50. Display or sale of merchandise.

No person shall use any portion of the streets or sidewalks of the city for the purpose of displaying or selling goods, merchandise, or wares of any description except upon compliance with the following conditions:

(1) For the purpose of encouraging and promoting trade and industry within the corporate limits of the city, the city council may issue a permit to a licensed business in said city to use for promotional purpose the sidewalk and street parking spaces immediately adjacent to the building occupied by the licensed business. Applications for permit shall be filed in accordance with chapter 40 and shall be accompanied by a permit fee in the amount provided in the city fee schedule.

(2) Ordinances concerning building codes, permits, zoning, etc., are hereby waived and shall not be applicable to activities authorized pursuant to such permit.

(3) An applicant shall provide a liability insurance policy or an agreement to indemnify and hold harmless the city for injury to third persons or property of others resulting from street or sidewalk construction, obstruction or use by said applicant in connection with said promotion pursuant to such permit.

(Comp. Ords. 1970, § 7-1009)

Sec. 48-51. Blocking, flooding or otherwise impairing use of streets.

No person shall block, flood, or otherwise interfere with or impair the use of any public street, road, or thoroughfare in the city without first having secured permission from the city council. Any person giving or transmitting any order or instruction to block, flood, or otherwise impair the use of any public street, road or thoroughfare in the city without first having secured permission of the city council shall be guilty of the violation of this section. Each day that any such street, road, or thoroughfare is blocked, flooded, or the use thereof impaired shall be a separate and distinct offense and shall be punished as such.

(Comp. Ords. 1970, § 7-1001)

Sec. 48-52. Obstruction of public ways prohibited.

It shall be unlawful for any person, persons, firms or corporations to place on the sidewalks or the public square, or any alley, lane or avenue, any kind of hardware, building supplies, roofing, wire, implement or any other kind of merchandise, or any kind of obstruction or thing on said sidewalks, alleys, lanes, streets or public square.

(Comp. Ords. 1970, § 8-121)

Sec. 48-53. Seizure of material obstructing public ways.

Any person, persons, firms, companies or corporations shall instantly remove all such obstructions as enumerated in section 48-52 when notified by the chief of police or other authorities of the city and upon failure to do so said authorities shall seize all such merchandise, wire, roofing, building supplies and other things and

advertise and sell the same in the same manner as tax sales in said city and apply the funds derived from such sales to the payment of the cost of removing, selling of the same and to such fines and costs imposed upon the violators of a violation of section 48-52.

(Comp. Ords. 1970, § 8-123)

Sec. 48-54. Obstruction warning signals.

Any person who shall cause any obstruction to be placed in any street, alley or sidewalk of said city shall display at such obstructions, during all of each night such obstructions may so remain, a sufficient danger signal or light to warn the traveling public of such obstructions and enable them to avoid injury from same; and any person failing to place and keep such signals as herein provided shall be fined and punished as provided in this chapter.

(Comp. Ords. 1970, § 8-102)

Secs. 48-55—48-81. Reserved.

ARTICLE IV. PARADES

DIVISION 1. GENERALLY

Sec. 48-82. Unlawful to drive through procession unless directed by a police officer.

It shall be unlawful for the driver of any vehicle, unless directed by a police officer to do so, to drive between vehicles comprising part of a funeral or other legally authorized procession while such procession is in motion; provided, that said vehicles are conspicuously designated as parts thereof. Permits for all processions other than funeral processions shall be obtained from the office of the mayor and council or, at their direction, from the office of the chief of police. No permit is required for funeral processions.

(Comp. Ords. 1970, § 7-880)

Sec. 48-83. Clearing streets for military parades.

It shall be the duty of the chief of police and other police officers and patrol officers, upon application to the chief of police for such purpose, to clear the streets, or as much there as may be necessary, in advance of a parade of the military forces of the United States, or of the state, or of any portion of such forces of the federal or state governments, as the officers of such forces shall desire to use for the purpose of such parade; preference being given, however, to the United States mail, to the vehicles of the police and fire departments and to other authorized emergency vehicles.

(Comp. Ords. 1970, § 7-881)

Sec. 48-84. Clearing streets for civic parades.

It shall likewise be the duty of the chief of police and other police officers and patrol officers, upon application, to clear the roadway of any streets necessary in the judgment of the chief of police, to be used for any authorized civic parade or procession.

(Comp. Ords. 1970, § 7-882)

Sec. 48-85. Arrest for violation of state laws as to parades.

It shall be the duty of the chief of police or other police officers to arrest any person whose obstruction of any military parade shall amount to a violation of the penal laws of the state, and to prosecute such offenders in the state courts in the manner prescribed by law.

(Comp. Ords. 1970, § 7-883)

Secs. 48-86—48-113. Reserved.

DIVISION 2. SPECIAL EVENTS

Sec. 48-114. Purpose and findings.

The mayor and city council find that special events, as herein defined, are a medium through which individuals may conduct certain lawful economic and noneconomic activities on the public properties, streets, sidewalks and rights-of-way lying within the city, and that the regulation of the location, size and duration of such special events is necessary to protection of the public health, safety and welfare of the city. By enacting this division the mayor and city council intend to:

(1) Balance the rights of individuals, groups, organizations, clubs, associations or other entities to conduct such special events;

(2) Protect the public health, safety, and welfare;

(3) Reduce traffic and pedestrian hazards;

(4) Reduce the possible adverse effects of such special events on the inhabitants and economic interests located in the city;

(5) Protect property values within the city by minimizing the possible adverse effects of such special events;

(6) Promote economic development; and

(7) Ensure the fair and consistent enforcement of special events regulations.

(Ord. of 2-22-2005(2), § 1)

Sec. 48-115. Definitions.

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

Designee, when used to identify the designee of the city administrator, means the city clerk.

Local civic group means *local*—primarily serving the needs of a particular limited district; *civic group*—of or relating to a citizen, a city, citizenship, or community affairs.

Local non-profit group means *local*—primarily serving the needs of a particular limited district; *non-profit*—not conducted or maintained for the purpose of making a profit.

Producer means any person, group of persons, organization, association, club, or other entity responsible for planning, producing, and conducting a special event. The producer must show the special event is a direct service or a direct beneficial benefit to the City of Cleveland and White County, Georgia.

Special event means any organized activity having as its primary purpose entertainment, recreation and/or education, such as a festival or celebration, foot or vehicle race, parade or march, rally or assembly which takes place on a public property, street, sidewalk or right-of-way, or which occurs on private property and impacts government services on a public property, street, sidewalk or right-of-way. The special event must be a direct service or a direct financial benefit to the City of Cleveland and White County, Georgia.

Vendor means any person who engages in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis on any public property, street, sidewalk, or right-of-way. The term "vendor," as used in this division, shall not be construed to include or prohibit a permanent business, operating under the provisions of the occupational tax license ordinance and other applicable laws, from displaying goods or merchandise on a public sidewalk immediately in front of and adjacent to the permanent business structure so long as such displays do not impede the normal flow of pedestrian or vehicular traffic and so long as other laws and ordinances pertaining to such business or displays are complied with.

(Ord. of 2-22-2005(2), § 2; Ord. No. 2012-13, Exh. A, 11-13-2012)

Sec. 48-116. Permits; applications; fees.

(a) *Permits required.* It shall be unlawful for any person, group, organization, association, club or other entity to conduct or cause to be conducted any special event in the city without first obtaining from the city a valid permit for such special event.

(b) *Geographic limitations.* Each special event shall be conducted, located and limited to the specific geographic area authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.

(c) *Time limitations.* Each special event shall be limited in time to the dates and time periods authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.

(d) *Activity limitations.* Each special event shall be limited to those activities authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.

(e) *Application.* A producer of a special event shall make application for such permit at city hall in a form prescribed by the city, and file such completed application with the city clerk. Such applications may be obtained form the office of the city clerk.

(f) *Application fee.* A nonrefundable application fee as provided in the city fee schedule shall be paid upon the filing of each special event application with the city clerk.

(g) *Time requirements for filing.* Applications for special events which request the use of any public property, street, sidewalk or right-of-way within the city, or for events which are to occur on private property and impact government services on a public property, street, sidewalk or right-of-way, and which propose more than six persons as attendees, shall be filed with the city clerk at least 60 days prior to the date the special event is scheduled to occur. Applications for such special events the use or for events which are to occur on private property and impact government services on a public property, street, sidewalk or right-of-way, and which propose six or fewer persons as attendees, shall be filed with the city clerk at least 30 days prior to the

date the special event is scheduled to occur. However, no application shall be accepted earlier than one year prior to the date of the proposed special event.

(h) *Permit fee.* In addition to the application fee, the producer shall pay a permit fee in order to conduct a special event within the city. The amount of said fee shall be based on the services which the city may elect to provide to the producer of such special event and shall be equal to the estimated actual cost to the city to provide such services. The initial permit fee shall be the aggregate of the estimated costs of such services. If, at the conclusion of the special event, the cost of the services provided by the city is greater than the initial permit fee, the producer of the event shall be billed for the difference. Failure to pay the outstanding amount within 30 days of the billing date shall be a violation of this division. The initial permit fee shall be paid in full prior to the issuance of the special event permit for such special event. The application fee and the permit fee specified in this division shall be in addition to any other fees which may be required by any other ordinances or regulations of the city which might be applicable to such special event. No producer of any special event, except as otherwise provided for, shall be exempt from the payment of the appropriate fees required under this division, except as authorized by the mayor and city council.

(Ord. of 2-22-2005(2), § 3)

Sec. 48-117. Identification of producer.

The producer of a special event, whether an individual, group or organization, shall be fully identified on the application. However, a special event permit shall be issued only to an individual person, who shall also be the designated agent of any producer who is not an individual, and such individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this division and other applicable laws.

(Ord. of 2-22-2005(2), § 4)

Sec. 48-118. Administrative review.

The city administrator or designee will review each application in order to determine the nature and activities of the proposed event, and to evaluate the effect of such proposed special event on the city, and to determine the amount of the permit fee described in section 48-116.

(Ord. of 2-22-2005(2), § 5)

Sec. 48-119. Special restrictions and conditions on permit.

After such determination and evaluation by the city administrator or designee, the city administrator or designee may impose such special conditions or restrictions on said permit as may promote the protection of the public health, safety and welfare of the city, and such special conditions and restrictions so imposed shall be construed to have the full force and effect of law as a provision of this division. A violation of any of such special conditions or restrictions shall be deemed a violation of this division.

(Ord. of 2-22-2005(2), § 6)

Sec. 48-119.1. Collections or fundraisers.

Applicants who intend to solicit funds or sell goods must be a local civic group or a local non-profit group. Groups who are not located within the limits of White County and wish to solicit funds or sales must have a local civic group or a local non-profit group sponsor the event. The solicitation of funds and sale of goods must be a

direct service or a direct financial benefit to the citizens of the City of Cleveland and White County, Georgia. A signed affidavit from the sponsoring group must accompany the application.

(Ord. No. 2012-13, Exh. A, 11-13-2012)

Sec. 48-120. Prior permit from department of transportation.

Any special event which is to use a portion of any state highway right-of-way lying within the city must also have obtained all required permits from the state department of transportation. It shall be the applicant's sole duty and responsibility to obtain all such permits prior to making application to the city for a special event permit. No city special event permit shall be issued without the proper state department of transportation permit first having been obtained, and a copy of same filed with the city clerk with the application for the city special event permit.

(Ord. of 2-22-2005(2), § 7)

Sec. 48-121. Liability.

The producer of any special event shall hold harmless the city, its officers, employees, and agents, from any and all liability for damages arising from any acts or omissions emanating from a special event. Proof of such waiver and indemnification shall be filed with, and made part of, the application for a special event permit. The producer shall be solely responsible for providing any and all insurance that may be necessary for any special event.

(Ord. of 2-22-2005(2), § 8)

Sec. 48-122. Vendors.

The sale of food, any merchandise and/or services of any type, by a vendor shall be allowed as a component of a special event permit, if such vendor has been identified as a permitted vendor in the special event permit issued by the city. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the city permit. Any vendor so authorized by such permit shall be required to prominently display on his person a badge identifying the vendor as an authorized participant in the permitted special event. Such identification shall not be less than three inches by three inches, shall state that the bearer is an official participant in such special event, and shall bear the signature of the producer of the event. The permitted vendor of any food, whether hot or cold, acting as a part of a permitted special event, shall be subject to applicable rules and regulations governing food service within the city, including, but not limited to, the rules and regulations of the county health department. It shall be the responsibility of the producer of a special event to assure such compliance by such vendors.

(Ord. of 2-22-2005(2), § 9)

Sec. 48-123. Traffic and crowd control.

Such traffic and crowd control on the public property, streets, sidewalks and rights-of-way lying within the city as may be deemed appropriate by the mayor and city council shall be provided by the city.

(Ord. of 2-22-2005(2), § 10)

Sec. 48-124. Toilet facilities.

The producer of a special event shall be required to provide toilet facilities at any special event lasting more than three hours at which 200 or more persons are expected to be in attendance.

(Ord. of 2-22-2005(2), § 11)

Sec. 48-125. Musical entertainment.

Musical entertainment shall be provided in a manner consistent with the peace and good order of the city. The producer of the special event shall be responsible for full compliance with any and all ordinances governing such musical entertainment.

(Ord. of 2-22-2005(2), § 12)

Sec. 48-126. Tents, stages and structures.

Tents, arbors, stages, grandstands and other temporary structures and facilities constructed or erected as a part of a permitted special event shall be approved by the city prior to and after construction and erection.

(Ord. of 2-22-2005(2), § 13)

Sec. 48-127. Public property closing.

No public property, street, sidewalk or right-of-way shall be partially or completely closed as part of a special event unless such closure shall have been authorized in the special event permit issued by the city; provided however, the partial or complete closure of the public square of the city or any public street or right-of-way shall require the prior approval of the mayor and city council.

(Ord. of 2-22-2005(2), § 14)

Sec. 48-128. Duration of permit.

No special event permit issued under this division shall be valid prior to or past the date of the special event for which it is issued.

(Ord. of 2-22-2005(2), § 15)

Sec. 48-129. Picketing and demonstrations, etc.

Any person, group, or organization engaged in any picketing, demonstrations, assembly, gathering, procession, or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any public or private place within the city, and may be required under the provisions of this division to conduct such protected activities in certain designated areas identified by the city. Any person, group or organization engaged in such protected activities is required to make application as set forth in section 48-116. However, any such person, group or organization shall be exempt from payment of the application and permit fees set out in section 48-116, and applications for such protected activities shall be filed with the city clerk not less than three days prior to said event.

(Ord. of 2-22-2005(2), § 16)

Sec. 48-130. Funeral processions.

The provisions of this division shall not apply to any motorcade conducted under the supervision and direction of a funeral director in conjunction with any funeral.

(Ord. of 2-22-2005(2), § 17)

Sec. 48-131. Revocation of permit.

If any permitted producer or vendor, and/or any employee, agent or contractor of such producer or vendor, during the course of the permitted special event, shall violate any law of the United States, the state, or any ordinance of the city, and an arrest is made or citation is issued arising out of such violation, the special event permit may be immediately revoked by the city administrator or designee, and all activities conducted under said special event duty shall be deemed an authorized designee of the city administrator.

(Ord. of 2-22-2005(2), § 18)

Sec. 48-132. Enforcement and penalties.

(a) Any person who attempts to conduct a special event without having first obtained the necessary special event permit in the manner provided in this division shall be subject to penalties as provided in section 1-16.

(b) Action pursuant to any provision of this division shall not be a bar to the enforcement of this division by injunction or other appropriate remedy, and the city, acting by and through the city administrator or designee, shall have the power to institute and maintain in the name of the city any and all such enforcement proceedings.

(Ord. of 2-22-2005(2), § 19)

Secs. 48-133—48-150. Reserved.

ARTICLE V. CAMPING ON PUBLIC OR PRIVATE PROPERTY

Sec. 48-151. Urban camping and improper use of property.

(a) *Definitions*. For purposes of this section:

(1) *Camp or Camping* means to reside, lodge, or sleep temporarily in a place, with or without bedding or other shelter materials, or to store personal belongings in a manner indicative of overnight occupancy, including but not limited to tents, tarps, sleeping bags, or other bedding.

(2) *Public Property* means any real property owned, leased, or controlled by the City, including but not limited to streets, sidewalks, alleys, parks, public parking lots, and other public rights-of-way.

(b) *Prohibition*

(1) It shall be unlawful for any person to camp, lodge, sleep or store personal property on any public property within the City of Cleveland except as expressly authorized by the City or in areas designated for such use.

(2) It shall be unlawful to camp, to sleep, to store personal property, to sit on, or to lie down on any public park, public street, or other public property so as to interfere with ingress or egress from such public park, or public street, or other public property, or any combination thereof, or so as to interfere with ingress and egress to any private property accessed by means of such public park, or public street, or other public property, or any combination thereof.

(3) It shall be unlawful for anyone other than the owner of a private property, a leaseholder of such private property, or other rightful occupant of such private property to camp, sleep, reside, store personal property, or lie upon, any private property without the owner's or leaseholder's permission. Any such use of private property authorized by and consented to by the owner or leaseholder of such private property must be in conformity with the provisions of the Code of Ordinances of the City of Cleveland, including, but not limited to, the zoning and land use provisions of said Code of Ordinances which are applicable to such private property, and if such use is a violation of said Code of Ordinances, an authorization of such use by the landowner or leaseholder shall not nullify a violation of any provision of this section.

(4) It shall be unlawful to erect or maintain any structure, shelter, or bedding for the purpose of camping on public property without the express written permission of the City.

(5) No person shall store personal property, including but not limited to bedding, sleeping bags, clothing, tents, or cooking equipment, on public property in a manner that interferes with public use, access, or safety.

(6) It shall be unlawful for anyone other than the owner of a private property, a leaseholder of such private property, or other rightful occupant of such private property to camp, sleep, reside, store personal property, or lie upon, any private property without the owner's or leaseholder's permission. Any such use of private property authorized by and consented to by the owner or leaseholder of such private property must be in conformity with the provisions of the Code of Ordinances of the City of Cleveland, including, but not limited to, the zoning and land use provisions of said Code of Ordinances which are applicable to such private property, and if such use is a violation of said Code of Ordinances, an authorization of such use by the landowner or leaseholder shall not nullify a violation of any provision of this section.

(c) *Exceptions*. This ordinance shall not apply:

(1) When a person is authorized by permit, contract, or agreement with the City to camp in a specific location; or

(2) When enforcement of this ordinance would violate a person's constitutional rights under applicable federal or state law, including when no shelter space is reasonably available, pursuant to legal precedent.

(3) When enforcement of this ordinance would violate a person's constitutional rights under applicable federal or state law, including when no shelter space is reasonably available, pursuant to legal precedent.

(d) *Enforcement and Penalties.*

(1) A violation of this ordinance constitutes a civil infraction and is subject to a fine as established by the Master Fee Schedule.

(2) Continued or repeated violations may be enforced as a misdemeanor offense, punishable by up to 90 days in jail and/or a fine as established by the Master Fee Schedule.

(3) The City may remove and store any unauthorized structures or items left on public property in violation of this ordinance, subject to procedures for notice and retrieval.

(e) *Severability*

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(Ord. No. 2013-06, 11-4-2013; Ord. No. 2026-01, 6-15-2026)

ARTICLE VI. UTILITY ACCOMMODATION POLICY

DIVISION 1. DECLARATION OF FINDINGS AND PURPOSE, SCOPE, DEFINITIONS

Sec. 48-201. Intent and purpose.

The City of Cleveland (the "city") is vitally concerned with the use, construction within, and occupancy of all rights-of-way in the city as such rights-of-way are a valuable and limited resource which must be utilized to promote the public health, safety, welfare, economic development of the city and to protect public works infrastructure. Therefore, the city, under the authority of the Laws and Constitution of the State of Georgia, including but not limited to, Article 9, Section 1, paragraphs 2 and 3 of the Georgia Constitution, O.C.G.A § 32-1-20, and O.C.G.A. § 32-4-42(6), has adopted this article for the purpose of regulating public and private entities which use the city rights-of-way.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-202. Scope.

The provisions of this article shall apply to all utilities and facilities occupying the rights-of-way as provided herein.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-203. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations have the meanings set forth herein. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. References hereafter to "sections" are, unless otherwise specified, references to sections in this article. Defined terms remain defined terms whether or not capitalized.

City means the City of Cleveland, Georgia.

Codified Ordinances and *Code of Ordinances* means those ordinances codified in the Code of Ordinances of the City of Cleveland, together with those ordinances duly ordained and adopted by the Mayor and Council of the City of Cleveland, but not yet codified.

Construct means, but shall not be limited to, dig, bore, tunnel, trench, excavate, obstruct, install or remove signs, or facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. "Construct" shall also include, but not be limited to, the act of opening and/or cutting into the surface of any paved or improved surface that is any part of the rights-of-way.

Construction means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or Facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the rights-of-way. "Construction" shall also include, but not be limited to, the act of opening, boring and/or cutting into the surface of any part of the rights-of-way.

Cleveland Building Official and *City Building Official* means the building inspector of the City of Cleveland, Georgia, or his or her designee, as may be designated by the mayor and council of the City of Cleveland.

Emergency means a condition that poses a clear and immediate danger to life, health, or safety of a person, or of significant damage or loss of real or personal property.

Facility or *facilities* means any tangible thing, including, but not limited to, pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, appurtenances, appliances and future technology of any utility in, on, along, over, or under any part of the rights-of-way within the city.

Facilities representative(s) means the specifically identified agent(s)/employee(s) of a utility who are authorized to direct field activities of that utility and serve as official notice agent(s) for facilities related information. Utility shall be required to make sure at least one of its facilities representatives is available at all times to receive notice of, and immediately direct response to, facilities related emergencies or situations.

FCC means the Federal Communications Commission or any successor thereto.

Permit means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any public rights-of-way, and which may be subject to conditions specified in a written agreement with the city or in a related provision of the codified ordinances of the city.

Right(s)-of-way means the surface and space in, on, above, within, over, below, under or through any real property in which the city has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to, any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, or any other place, area, or real property owned by or under the legal or equitable control of the city, now or hereafter, that consistent with the purposes for which it was given or dedicated, may be used for the purposes of constructing, operating, repairing or replacing facilities.

Service(s) means the offering of any service by a utility for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, or alternatively, the provision of any service by a utility between two or more points for a proprietary purpose to a class of users other than the general public.

Service agreement means a valid license agreement, service agreement, franchise agreement, or operating agreement issued by the city or state pursuant to law and accepted by a utility or entered into by and between the city and a utility, which allows such utility to operate or provide service within the geographic limits of the city.

Street or *streets* means the surface of, as well as the spaces above and below, any and all the streets, alleys, avenues, roads, bridges, tunnels and public places of the city within the corporate limits of the city, as the same now exist or may be hereafter extended or altered, and any location thereon, there over or thereunder, and any portion thereof.

Transfer means the disposal by the utility, directly or indirectly, by gift, assignment, sale, merger, consolidation, or otherwise, of more than 50 percent at one time of the ownership or controlling interest in the facilities, or of more than 50 percent cumulatively over the term of a written approval of registration of such interests to a corporation, partnership, limited partnership, trust, or association, or person or group of persons acting in concert.

Unused facilities means facilities located in the rights-of-way which have remained unused for 12 months and for which the utility is unable to provide the city with a plan detailing the procedure by which the Utility intends to begin actively using such facilities within the next 12 months, or that it has a potential purchaser or user of the facilities who will be actively using the facilities within the next 12 months, or, that the availability of such facilities is required by the utility to adequately and efficiently operate its facilities.

Utility or *utilities* means all privately, publicly, or cooperatively owned systems for producing, transmitting, or distributing communication, data, information, telecommunication, cable television, video services, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof. The term "utility" may also be used to refer to the owner, operator, utility, service, contractor, or subcontractor, or any agent thereof, of any above-described utility or utility facility.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-204—48-210. Reserved.

DIVISION 2. UTILITY REGISTRATION

Sec. 48-211. Registration required.

Each utility who occupies, uses or has facilities in the rights-of-way at the time of passage of this article, including by lease, sublease or assignment, or otherwise, to operate facilities located in the rights-of-way, unless specifically exempted by state or federal law or this Code, shall file a registration statement with the city within 90 days of the effective date of this article.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-212. Registration procedure.

The registration information provided to the city shall be on a form approved by the city and shall include, but not be limited to:

(1) The name, legal status (i.e., partnership, corporation, etc.), street address, email address, and telephone and facsimile numbers of the utility filing the registration statement (the "registrant"). If the registrant is not the owner of the facility in the rights-of-way, the registration shall include the name, street address, email address if applicable, and telephone and facsimile numbers of the owner;

(2) The name, street address, email address if applicable, telephone, and facsimile numbers of one or more facilities representative(s). Current information regarding how to contact the facilities representative(s) in an emergency shall be provided at the time of filing a registration and shall be updated as necessary to assure accurate contact information is available to the city at all times;

(3) A copy, if requested, of the utility's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements; and

(4) A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the utility to use or occupy the rights-of-way for the purpose described in the registration.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-213. Incomplete registration.

(a) If a registration is incomplete, the Cleveland Building Official shall notify the registrant and shall provide a reasonable period of time in which to complete the registration. If a registration is complete, the Cleveland Building Official shall so notify the utility in writing, and if a registration is incomplete the Cleveland Building Official shall also so notify the utility in writing.

(b) Acceptance of the registration shall not convey title in or to the rights-of-way or any part thereof. Acceptance of the registration is only the nonexclusive, limited right to occupy rights-of-way in the city for the limited purposes stated in the acceptance. Acceptance of the registration does not excuse a utility from obtaining permits required by city ordinances and the City Code of Ordinances, nor from obtaining appropriate access or pole attachment agreements before using the facilities of others, including, but not limited to, the city.

(c) Acceptance of the registration does not excuse a utility from notifying the city of construction as required herein.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-214. Facilities in place without registration.

Beginning one year after the effective date of this article adopting this article, any facilities or part of a facility found in the rights-of-way for which registration is required but has not been obtained, unless specifically exempted by law, and for which no valid service agreement exists with the city, may be deemed to be a nuisance and an unauthorized use of the rights-of-way. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance, taking possession of the facilities, evicting the utility from the rights-of-way, prosecuting the violator, and/or any other remedy provided by the Code of Ordinances of the City of Cleveland, and/or otherwise allowed in law or in equity.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-215—48-220. Reserved.

DIVISION 3. CONSTRUCTION PERMITS

Sec. 48-221. Permit required.

It shall be unlawful for any utility to excavate or to construct, install, maintain, renew, remove or relocate facilities in, on, along, over, or under the public roads and/or the public road rights-of-way of the city without a utility permit from the city of in accordance with the terms of this article.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-222. Permit procedure.

Utility permits shall be obtained from the Cleveland Building Official upon application made on forms prescribed by the city. The written application shall include the following:

(1) The name and address of the utility;

(2) The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed facility or operations as described in the permit application. The plans shall show the size or capacity of facilities to be installed; their relationship to street features such as rights-of-way lines, pavement edge, structures, etc., horizontal and vertical clearance to critical elements of the roadway and any other information necessary to evaluate the impact on the street and its operation;

(3) The name and address of the person or firm who is to do such work;

(4) The name, street address, email address if applicable, and telephone and facsimile numbers of one or more facilities representative(s);

(5) The projected dates for the work to be started and finished;

(6) An indemnity bond or other acceptable security in an amount to be set by the city to pay any damages to any part of the city road system or other city property or to any city employee or member of the public caused by activity or work of the utility performed under authority of the permit issued;

(7) A copy, if requested, of the registrant's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements; and

(8) A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the Utility to use or occupy the rights-of-way for the purpose described in the application.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-223. Permit fees.

Fees shall be determined by the mayor and council of the City of Cleveland by appropriate resolution(s). A fee schedule shall be available at the offices of the Cleveland Building Official and the city clerk of the City of Cleveland and open for public inspection.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-224. Issuance of permit.

If the Cleveland Building Official determines the applicant has satisfied the following requirements, the Cleveland Building Official may issue a permit.

(1) Whether issuing of the approval will be consistent with this article;

(2) Whether applicant has submitted a complete application and has secured all certificates and other authorizations required by law, if applicable, in order to construct facilities in the manner proposed by the applicant; and

(3) The impact on safety, visual quality of the streets, traffic flow, and other users of the rights-of-way and the difficulty and length of time of the project, construction or maintenance.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-225. Emergency situations.

(a) Each utility shall, as soon as reasonably practicable, notify the Cleveland Building Official of each and every event regarding its facilities which it considers to be an emergency. The utility may proceed to take whatever

actions are necessary in order to respond to the emergency. A utility who engages in an emergency excavation shall take all reasonable precautions to avoid or minimize damage to any existing facilities.

(b) In the event that the city becomes aware of an emergency regarding utility facilities, the city may attempt to contact the affected utility or facilities representative. The city may take whatever action it deems necessary in order to respond to the emergency, including, but not limited to, to cut or move any of the wires, cables, amplifiers, appliances, or other parts of the facilities. The city shall not incur any liability to the utility, for such emergency actions, and the cost of such shall be paid by each utility affected by the emergency.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-226. Effective period of permit.

(a) Each permit shall have a set commencement and expiration date based on information provided in the applicant's permit application.

(b) The permit shall remain in place until construction is completed or until its expiration date unless the utility is in default. The Cleveland Building Official may give written notice of default to a utility if it is determined that a utility has:

(1) Violated any provision or requirement of the issuance or acceptance of a permit application or any provision of the City Code of Ordinances, or any law of the state, or federal government;

(2) Attempted to evade any provision or requirement of this article;

(3) Practiced any fraud or deceit upon the city; or

(4) Made a material misrepresentation or omission of fact in its permit application.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-227. Cancellation for cause.

If a utility fails to cure a default within 20 working days after such notice is provided to the utility by the city, then such default shall be a material breach and city may exercise any remedies or rights it has at law or in equity to terminate the permit. If the Cleveland Building Official determines there is cause or reason to terminate, the following procedure shall be followed:

(1) City shall serve a utility with a written notice of the reason or cause for proposed termination and shall allow a utility a minimum of 15 calendar days to cure its breach; and

(2) If the utility tails to cure within 15 calendar days, the city may declare the permit terminated.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-228. Expiration of permit.

If work is not begun within six months of the date of issuance, the permit will automatically expire.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-229—48-240. Reserved.

DIVISION 4. REQUIRED MINIMUM STANDARDS

Sec. 48-241. Utility Accommodation Manual adopted.

The 2009 Utility Accommodation Policy and Standards Manual, including all references contained therein to codes, rules, regulations, schedules, forms, and appendix items [except Appendix B (Permit Forms and supporting Documents)], promulgated by the State of Georgia Department of Transportation, as may be amended from time to time, is hereby adopted by reference and incorporated in this article as if fully set forth herein, subject to the right, power, and authority of the mayor and council of the City of Cleveland, by ordinance duly ordained and adopted, to amend and modify this article. A copy of the manual shall be maintained at the offices of the Cleveland Building Official and be open for public inspection.

Any conflicts between the provisions of this article and said manual shall be resolved in favor of the manual. References in said manual to state personnel, agencies, and fees shall be interpreted, where required, as meaning the City of Cleveland, acting by and through its mayor and council, and its officers, employees, and agents.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-242. Protection of traffic and roadway.

Unless specifically in the permit, no utility may occupy the rights-of-way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not prevent the city from reasonably maintaining the streets, structures, city utilities, traffic control devices, and other appurtenant facilities, and further provided that maintenance and operations of the facilities do not jeopardize the traffic, street structure, other users of the rights-of-way or the rights-of-way itself.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-243. Grading.

If the grades or lines of any street within the city rights-of-way are changed at any time by the city during the term of the permit and this change involves an area in which the utility's facilities are located, then the utility shall, at its own cost and expense and upon the request of the city upon reasonable notice, protect or promptly alter or relocate the facilities, or any part thereof, so as to conform with such new grades or lines. in the event the utility refuses or neglects to so protect, alter, or relocate all or part of the facilities, the city shall have the right to break through, remove, alter, or relocated all or any part of the facilities without any liability to the utility and the utility shall pay to the city the costs incurred in connection with such breaking through, removal, alteration, or relocation.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-244. Installation of poles and other wire holding structures and relocation.

Unless otherwise provided in a valid service agreement, no placement of any pole or wire holding structure of the utility is to be considered a vested interest in the rights-of-way, and such poles or structures are to be removed, relocated underground, or modified by the utility at its own expense whenever the city determines that

the public convenience would be enhanced thereby. The facilities shall be so located and installed as to cause minimum interference with the rights and convenience of the city and the rights and convenience of property owners.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-245. Blasting.

As provided in O.C.G.A § 25-9-6 (the Georgia Utility Facility Protection Act) and other applicable state laws currently in place or as amended hereafter, no utility shall commence, perform, or engage in blasting or in excavating with mechanized excavating facilities unless and until the utility planning the blasting or excavating has given 48 hours' prior notice by submitting a locate request to the utility protection center, beginning the next working day after such notice is provided, excluding hours during days other than working days.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-246—48-250. Reserved.

DIVISION 5. RESTORATION OF PROPERTY

Sec. 48-251. Utility responsible for cost of repairs.

Each utility shall be responsible for the cost of repairing any facilities in the rights-of-way and adjoining property or other facilities which it or its facilities damage.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-252. Liability of utility to replace, restore or repair any street.

A utility shall be liable, at its own cost and expense, to replace, restore or repair, any street. Facilities or property or structure thereon, thereunder, there over or adjacent thereto that may become disturbed or damaged as a result of the construction or installation, operation, upgrade, repair or removal of facilities to a condition as good as or better than its condition before the work performed by the utility that caused such disturbance or damage. If the utility does not commence such replacement or repair after 20 working days following written notice from the city, the city or the owner of the affected structure or property may make such replacement or repair and the utility shall pay the reasonable and actual cost of the same.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-253—48-260. Reserved.

DIVISION 6. INSPECTIONS

Sec. 48-261. Availability of construction site for inspection.

The utility shall make the construction site available to the Cleveland Building Official and to all others authorized by the Code of Ordinances of the city and by other law for inspection at all reasonable times during the execution and upon completion of the construction.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-262. Cessation of work due to violation.

At any time, including the time of inspection, the Cleveland Building Official may order the immediate cessation of any work which poses a serious threat to the health, safety, or welfare of the public, violates any law, or which violates the terms and conditions of the permit and/or this article, or the Cleveland Building Official may issue an order to the utility to correct the work which does not conform to the permit and/or applicable codified ordinances of the city.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-263. Notification to city upon completion of construction.

When the construction under any permit is completed, the utility shall notify the city.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-264—48-270. Reserved.

DIVISION 7. OTHER APPROVALS, PERMITS, AND AGREEMENTS

Sec. 48-271. Additional permits required.

The utility shall obtain all construction, building or other permits or approvals required by the City Code of Ordinances, and by state and federal law. In addition, a permittee shall comply with all requirements of said Code of Ordinances and such laws, and shall complete work in a way so as to not cause any unnecessary or unauthorized obstructions of sidewalks, streets, waterways, or railways, and the Utility is responsible for all work done in the rights-of-way regardless of who performs the work. No rights-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work, except in the case of an emergency as outlined in section 48-315 of this article.

(Ord. No. 2016-02, 2-22-2016)

Secs. 48-272—48-275. Reserved.

DIVISION 8. PENALTIES

Sec. 48-276. Fine for conviction of violation.

Every utility convicted of a violation of any provision of this Article shall be punished by a fine established by the Master Fee Schedule. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies as the city may deem appropriate, including, but not limited to the abatement of nuisances, injunctive relief, revocation of licenses or permits, or any combination thereof.

(Ord. No. 2016-02, 2-22-2016; Ord. No. 2026-01, 6-15-2026);

Secs. 48-277—48-280. Reserved.

DIVISION 9. OTHER PROVISIONS

Sec. 48-281. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-282. Reservation of regulatory and police powers.

The city by issuing a written approval of registration or by issuing a permit under this article, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights, which the city has now or may be hereafter vested in the city under the Constitution and laws of the United States, State of Georgia, and the City Charter, and under the provisions of the Code of Ordinances of the City of Cleveland, to regulate the use of the rights-of-way. The utility by applying for and being issued an approved registration, or a written permit, is deemed to acknowledge that all lawful powers and rights, regulatory power, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the city, shall be in full force and effect and subject to the exercise thereof by the city at any time and at all times. A utility is deemed to acknowledge that its interests are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general laws enacted by the city pursuant to such powers. In particular, all utilities shall comply with city zoning and other land use requirements pertaining to the placement and specifications of facilities.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-283. Compliance.

No utility and/or no person, legal or natural, including, but not limited to, any corporation, firm, institution, or other entity, shall be relieved of its obligation to comply with any of the provisions of this article by reason of any failure of the city to enforce compliance with this article or any provision thereof.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-284. Appeal of administrative decisions.

All appeals provided for by this article and any notification to the city required by this article shall be in writing and sent via certified mail to the Cleveland Building Official at 85 South Main Street, Cleveland, Georgia 30528.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-285. Chapter headings.

Chapter headings are for convenience only and shall not be used to interpret any portion of this article.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-286. Repealer.

Except as provided otherwise herein, the adoption of this article repeals ordinances and provisions of the Cleveland Code of Ordinances conflicting with the terms of this article.

(Ord. No. 2016-02, 2-22-2016)

Sec. 48-287. Effective date.

The effective date of this article shall be June 15, 2026

(Ord. No. 2016-02, 2-22-2016; Ord. No. 2026-01, 6-15-2026)

Chapter 50 SUBDIVISIONS[6]

Sec. 50-1. Adoption of development specifications.

The city has adopted, as stated in section 64-1, Standard Development Specifications, April 2002, that include subdivision specifications. The adopted specifications shall be applicable to subdivision developments within the city. A copy of the adopted specifications is available in the office of the city clerk.

Chapter 52 TAXATION[7]

[6]State law reference(s)—Municipal annexations, O.C.G.A. § 36-36-1 et seq.; home rule for municipalities, O.C.G.A. § 36-35-3; limitations on home rule for municipalities, O.C.G.A. § 36-35-6.

[7]State law reference(s)—Revenue and taxation generally, O.C.G.A. § 48-1-1 et seq.; ad valorem taxation of property, O.C.G.A. § 48-5-1 et seq.; county tax officials and administration, O.C.G.A. § 48-5-100 et seq.; county taxation, O.C.G.A. § 48-5-220 et seq.; miscellaneous local administration provisions, O.C.G.A. § 48-5-380; county sales and use taxes, O.C.G.A. § 48-8-110 et seq.; taxes on tobacco products, O.C.G.A. § 48-11-1 et seq.; levy of occupation taxes by counties and municipalities on certain businesses, O.C.G.A. § 48-13-1 et seq.; imposition of regulatory fees by local governments on certain businesses, O.C.G.A. § 48-13-8 et seq.

ARTICLE I. IN GENERAL

Sec. 52-1. Scope of chapter.

This chapter contains provisions regarding taxes levied by the city other than business license taxes and regulatory fees governed by chapter 12.

Sec. 52-2. Tax collection and enforcement.

The city may contract with the county tax commissioner or other authorized officials for the assessment, billing, collection, and enforcement of taxes authorized under this chapter.

Secs. 52-3—52-22. Reserved.

ARTICLE II. AD VALOREM TAX[8]

Sec. 52-23. Annual levy.

(a) The city may annually levy an ad valorem tax on all taxable real and personal property located within the city limits, as authorized by Georgia law.

(b) The city may levy additional ad valorem taxes as authorized by law for the payment of bonded indebtedness and interest on general obligation bonds. Such levies shall be shown separately on all tax bills.

Sec. 52-24. Assessment and fair market value.

All property subject to city ad valorem taxation shall be assessed at 40 percent of its fair market value. The basis for fair market value shall be 100 percent of the fair market value determined for the property by the city for city ad valorem tax purposes. Assessments for the city are handled by the county tax assessor.

Sec. 52-25. Appeal of assessments.

Taxpayers may appeal property assessments and exemptions in the manner provided by applicable Georgia law, including O.C.G.A. § 48-5-311.

Sec. 52-26. Due date and delinquency.

City ad valorem taxes shall be due on the date stated on the tax bill issued by or on behalf of the city. Delinquent taxes shall accrue interest, penalties, and collection costs as authorized by Georgia law.

[8]State law reference(s)—Ad valorem taxation, O.C.G.A. § 48-5-1 et seq.

Sec. 52-27. Failure to pay tax.

The city shall forthwith issue an execution against any person who has defaulted in the payment of any ad valorem tax to be paid. The execution thus issued shall be a lien on all the property of such person, both real and personal, and shall be placed in the hands of the city officer responsible for collection by levy and sale.

Sec. 52-28. Taxes charged against owners and life tenants.

Taxes are to be charged against the owner of the property, if known, or against the specific property itself if the owner is not known. Life tenants and those who enjoy the use of the property are chargeable with the tax thereon.

Sec. 52-29. Exempt property.

Property exempt from taxation under the Georgia Constitution or state law shall be exempt from city ad valorem taxation.

Sec. 52-30. Tax execution records.

The county tax commissioner or designated official shall maintain records of tax executions issued on behalf of the city in accordance with Georgia law. Such records shall be available for public inspection as required by law.

Sec. 52-31. Cancellation of executions.

Tax executions shall be canceled upon payment of all taxes, penalties, interest, and authorized collection costs.

Sec. 52-31. Cancellation of executions.

Cancellation of tax executions shall be made when all unpaid taxes, penalty and interest sums have been paid.

(Ord. of 2-10-1997, § 2)

Secs. 52-32—52-50. Reserved.

ARTICLE III. SALES AND USE TAX

Sec. 52-51. Authority to impose taxes.

The city may impose and collect local sales and use taxes only as authorized by Georgia law, including any applicable local option sales tax acts enacted by the General Assembly.

Chapter 54 TELECOMMUNICATIONS[1]

ARTICLE I. IN GENERAL

Secs. 54-1—54-17. Reserved.

ARTICLE II. ANTENNAS AND TOWER STANDARDS[2]

Sec. 54-18. Short title.

This article shall be known as the "Telecommunications Antennae and Towers Standards Ordinance."

(Ord. No. 2011-21, § I, 12-12-2011)

Sec. 54-19. Definitions.

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

Director means the economic development and planning director of the City of Cleveland, or his or her designee.

Antenna means any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services. For the purposes of this article, the term "antenna" does not include:

(1) Any tower and antenna under 70 feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission;

(2) Any device designed for over-the-air reception of radio or television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service; or

(3) Any cable television head end or hub towers and antennae used solely for cable television services.

Camouflage or *stealth* means techniques to disguise, hide, or conceal cell towers from view. Such techniques must include designs appropriate to the area of installation.

Governing body means the mayor and council. For the purposes of this article, the words "city" and "governing body" are one and the same.

[1]State law reference(s)—Telephone and telegraph service, O.C.G.A. § 46-5-1 et seq.

[2]Editor's note(s)—Ord. No. 2011-21, §§ I—XIV, adopted Dec. 12, 2011, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 54-18—54-30, pertained to similar subject matter, and derived from Ord. of 3-29-2004, §§ II—XIV.

Micro telecommunications facilities are those which are located on existing buildings, poles or other existing support structures where antennae do not project more than 20 feet above the top of the structure and there are no more than six antennae per site.

Monopole tower means a telecommunications tower consisting of a single pole, constructed without guy wires or ground anchors.

Telecommunications facilities refers to antennae and towers, either individually or together.

Tower means a structure or facility, including but not limited to a lattice tower, guy tower, or monopole constructed as a free-standing structure, or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving of analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication. The term includes microwave towers, common carrier towers, cellular telephone towers, and associated facilities, structures and antennas.

Whip antenna means a flexible, vertical rod, or radio antenna that would bend without breaking.

(Ord. No. 2011-21, § II, 12-12-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 54-20. Scope and exclusions.

This article shall apply to any telecommunications tower construction, erection, maintenance and/or renovation, and/or upgrade activity undertaken on any telecommunications tower in the corporate limits of the City of Cleveland by any person or persons, legal or natural, except for the following:

(1) Any tower and antenna under 70 feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission; provided, however, that the construction of any such and antenna is not located within 200 feet of any waterway.

(2) Any tower or antenna owned and/or operated by a governmental entity.

(Ord. No. 2011-21, § III, 12-12-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 54-21. Design requirements.

The general requirements for telecommunications towers set forth in this section shall govern the location and construction of all telecommunications towers within the City of Cleveland, to-wit:

(1) *Height*. No telecommunications tower shall exceed 200 feet in total height.

(2) *Building codes and safety standards.* To ensure the structural integrity of telecommunications towers, the owner of a telecommunications tower shall ensure that it is constructed, operated, maintained and/or repaired in compliance with all applicable City of Cleveland codes, ordinances, rules and regulations. Owners of telecommunications facilities shall conduct periodic inspections of such facilities at least once every year to ensure structural integrity. Inspections shall be conducted by a qualified, independent engineer licensed to practice in Georgia. The results of such inspection shall be provided to the economic development and planning director.

(3) *Regulatory compliance.*

a. All telecommunications facilities must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the state or federal government with the authority to regulate telecommunications facilities and/or towers. If such standards and regulations are changed then the owners of the

telecommunications facilities and/or towers governed by this article shall bring such telecommunications facilities and/or towers into compliance with such revised standards and regulations within the date established by the agency promulgating such standards or regulations.

b. Owners of telecommunications facilities shall provide documentation showing that each telecommunications facility and/or tower is in compliance with all applicable federal and state requirements. Evidence of compliance must be submitted to the City of Cleveland every 12 months.

(4) *Security*. All telecommunications facilities and/or towers shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the telecommunications facility.

(5) *Lighting*. No illumination is permitted on telecommunications facilities and/or towers unless required by the Federal Communications Commission, Federal Aviation Administration, or other state or federal agency of competent jurisdiction, or unless necessary for air traffic safety. If lighting is required or necessary, the city shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

(6) *Advertising*. No advertising is permitted on telecommunications facilities and/or towers. However, a whip antenna may be allowed on any legally permitted permanent billboard or outdoor advertising sign as long as the other requirements of this article and the other codes, ordinances, rule and regulations of the City of Cleveland are met.

(7) *Visual impact.*

a. Telecommunications facilities and/or towers shall be camouflaged or stealth to an appropriate design for the area of installation, including, but not limited to, such telecommunications facilities and/or towers located on property owned, leased, or otherwise controlled by the City of Cleveland, regardless of whether or not such city property is located in the City of Cleveland or not. Design must be pre-approved by the mayor and council. Telecommunication facilities and/or towers are subject to all applicable standards of the Federal Aviation Administration and other federal and state agencies.

b. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting tower so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennas shall be made visually unobtrusive by screening to match existing air conditioning units, stairs, elevator towers or other background.

c. Where feasible, telecommunications facilities and/or towers should be placed directly above, below or incorporated within the vertical design elements of a the associated building or structure in order to help in camouflaging such facilities and towers.

d. Telecommunications facilities and/or towers shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the governing body or by any state or federal law or agency.

e. Any equipment shelter or cabinet that is associated with telecommunications facilities and/or towers must be concealed from public view or made visually compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding visual backdrop. The shelter or cabinet must be regularly maintained.

(8) *Landscaping*.

a. To the extent reasonably possible landscaping shall be used to effectively screen the view of the telecommunications facility and/or tower from any public way, public property and/or public or private residential property.

b. Native vegetation on the telecommunications facility and/or tower site shall be preserved to the greatest practical extent and disturbance of the existing topography shall be minimized. The applicant shall provide a site plan showing existing significant vegetation to be removed and vegetation to be replanted to replace that lost.

c. The City of Cleveland may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes; for continued operation of existing bona fide agricultural or forest uses, such as farms, nurseries and tree farms; or where an antenna is placed on an existing structure. In certain approved locations where the visual impact of the tower would be minimal, such as remote agricultural locations or in developed industrial areas, the landscaping requirement may be modified or waived by the city.

(9) *Maintenance impacts.* Equipment at a transmission facility and/or tower shall be automated to the greatest extent possible in order to reduce traffic and congestion. Where the transmission facility and/or tower site abuts or has access to a public street or highway, access for maintenance vehicles shall be exclusively by means of such public street of highway.

(10) *Principal, accessory and joint uses.*

a. Accessory structures used in direct support of a telecommunications facility and/or tower shall be allowed but may not be used for offices or vehicle storage. Mobile or immobile equipment not used in direct support of a telecommunications facility and/or tower shall not be stored or parked on the site of the telecommunications facility and/or tower.

b. Telecommunications facilities and/or towers may be located on sites containing another principal use if such site is otherwise in compliance with all applicable codes, ordinances, rule and regulations of the City of Cleveland.

(11) *Lot size and setbacks.*

a. All property necessary to satisfy setback requirements covering the total height of the tower shall be under the ownership or control of the applicant. The requirements for control may be satisfied by a properly executed and recorded (in the Deed Records of the Office of Clerk, Superior Court, White County, Georgia), instrument creating a perpetual easement.

b. Telecommunications towers must be set back from any adjacent property line, as measured radially from the base of the tower to said adjacent property line, a distance equal to the sum of the total height of the tower, plus the building set back distance specified for the tower site in the City of Cleveland Zoning Ordinance.

c. The following setback requirements shall apply to all telecommunications facilities and/or towers:

1. Telecommunications towers must be set back from any off-site residential structure, as measured radially from the base of the tower to said off-site residential structure, a distance equal to the sum of the total height of the tower, plus the building set back distance specified for the tower site in the City of Cleveland Zoning Ordinance.

2. Each and every guy wire and accessory facility must satisfy the minimum building setback requirements of this article and the City of Cleveland Zoning Ordinance as though such guy wire and/or accessory facility were a separate structure. The point at which each guy wire is attached to the ground (i.e., the "ground end") shall be subject to the same setback requirements as though said ground end point were an antenna, and, as measured radially

from said ground point to said adjacent property line, a distance equal to the sum of the length of the guy wire, plus the building set back distance specified for the tower site in the City of Cleveland Zoning Ordinance.

3. For antennas attached to the roof of a supporting structure, or on a rooftop, a 1:1 setback ration (example: ten-foot high antenna and supporting structure requires ten-foot setback from edge of roof) shall be maintained unless an alternative placement is shown to reduce visual impact, and such alternate placement is approved by the city.

(12) *Additional requirements for towers.*

a. Tower site location and development shall preserve the preexisting character of the surrounding buildings and land as much as possible. Personal wireless telecommunication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.

b. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower and related facilities to the natural setting and built environment.

c. In no case shall a tower be located in the front yard, back yard or side yard of a residential lot, or upon property classified as residential under the City of Cleveland Zoning Ordinance.

d. Towers shall not be sited where they will negatively affect any historic or scenic view corridors, as designated by the governing body or any state or federal law or agency, or where such towers will create visual clutter.

e. Towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with appropriate anti-climbing devices or other similar protective devices designed to prevent tower access.

f. Placement of more than one tower on a lot owned by the applicant shall be permitted, provided that all applicable state, federal and City of Cleveland codes, ordinances, rules and regulations are complied with. No such tower such lot shall be located closer to an adjacent tower on such than the height of the taller tower.

(Ord. No. 2011-21, § IV, 12-12-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 54-22. Application procedure.

(a) *General application requirements for all building and other use permits.* Application for a building, erection, maintenance/ renovation, or upgrade activity permit for any telecommunications facility shall be made to the City of Cleveland by the person, company or organization that will own and operate the telecommunications facility and/or tower. An application will not be considered until it is complete. The following information shall be submitted when applying for any telecommunications facility and/or tower permit authorized by this article and must be submitted with said application in order for an application to be considered complete:

(1) Site plan or plans to scale specifying the location of telecommunications facilities and/or tower, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses.

(2) A full description of the environment surrounding the proposed telecommunications facility and/or tower, including, but not limited to, any adjacent residential or commercial structures, roadways, and waterways.

(3) A report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:

a. Telecommunications facility and/or tower height and design, including technical and engineering data;

b. Total anticipated capacity of the telecommunications facility and/or tower, including number and types of antennae which can be accommodated;

c. Evidence of structural integrity of the telecommunications facility and/or tower structure;

d. Structural failure characteristics of the telecommunication facility and/or tower and demonstration that site and setbacks are in compliance with this ordinance and the Zoning Ordinance of the City of Cleveland, and are of adequate size to contain all debris should structural failure occur;

e. A definition of the area of service to be served by the antenna or tower, and whether such antenna or tower is needed for coverage or capacity;

f. Information showing the how the proposed telecommunication facility and/or tower would provide the needed coverage or capacity;

g. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to the city and neighbors and residents relating to the construction and operation of the proposed telecommunication facility and/or tower, including name, address, telephone number, facsimile number and electronic mail address; and

h. Identification of the geographic service areas for proposed telecommunication facility and/or tower, including a map showing the site and the nearest associated telecommunications facility sites within the network, including a description of the distances between the telecommunications facility sites, and a description of how this service area fits into and is necessary for the service network.

(Ord. No. 2011-21, § V, 12-12-2011)

Sec. 54-23. Future development.

(a) *Two-year plan and site inventory.* Each application shall include a two-year facilities plan and site inventory including the following:

(1) A list of all existing, existing to be upgraded or replaced, and proposed telecommunications facility and/or tower sites within the City of Cleveland. The list must include the following information for each site:

a. Land lot and district;

b. 911 address if available;

c. Type of building (commercial, residential, mixed use) and number of stories;

d. The number of antennas and base transceiver stations per site and the location and type of antenna installation (stand-alone rooftop, building facade, etc.) and location of the base transceiver station installation(s);

e. The height from grade to the top of the antenna installation; and

f. The radio frequency range in megahertz, the wattage output of the equipment and effective radiated power.

(b) If the applicant does not know specific future tower and antenna site locations, but does know of area where telecommunications facilities and/or towers will be needed within the ensuing two years to provide service, the applicant shall list the assessor's blocks contained within the anticipated geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.

(1) *Additional information requirements for towers.*

a. Applicants must identify all existing towers and all towers for which there are applications currently on file with the city. Applicants must provide evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites to construct a tower for the proposed antenna. If co-location on any such towers would result in less visual impact than the visual impact of the proposed tower, applicants must justify why such co-location is not being proposed. If co-location on any such tower would increase negative visual impact, then the applicant must state and demonstrate. The city will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The city shall carefully weigh such claims and the evidence presented in favor of them against a project's negative impacts at the proposed site.

b. Applicants must demonstrate that they cannot provide personal wireless communication service without the use of a telecommunications tower.

c. The applicant shall quantify the additional tower capacity anticipated, including the approximate number and types of antennae. The applicant shall provide a drawing for each tower showing existing and proposed antennae locations. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. The city may approve those limitations if they cannot be overcome by reasonable technical means.

d. The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power lines impacting the proposed tower site.

(2) The applicant must provide any other information which may be requested by the city to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

(Ord. No. 2011-21, § VI, 12-12-2011)

Sec. 54-24. Permits.

(a) *Permits*.

(1) A request for a permit under this article shall be initiated by application to the city and handled in accordance with the permit provision of section 54-22 of this article. City of Cleveland, acting by and through the mayor and council, may issue a permit under this section, provided it shall have determined that all of the requirements of this article, and all other applicable codes, ordinances, rules and regulations of the City of Cleveland, have been met and, further, provided that the benefits of and need for the proposed telecommunication facility and/or tower are greater than any possible depreciating effects and damage to the neighboring properties.

(2) In granting a permit, the City of Cleveland may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed telecommunication facility and/or tower on surrounding properties.

(b) *Permit fees.* A fee as established by the Master Fee Schedule shall be charged for each application. Permits will be reviewed and a decision will be rendered within 45 days from the date of application. Permits will be effective for a period of 12 months. Expired permits will be treated as a new application upon re-submittal.

(Ord. No. 2011-21, § VII, 12-12-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 54-25. Co-locations.

Applicant and owner shall allow other future personal wireless service companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunications facility unless specific technical constraints prohibit said co-location. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards.

(Ord. No. 2011-21, § VIII, 12-12-2011)

Sec. 54-26. Appeals.

Appeals from any decision of the City of Cleveland, acting through its mayor and council, may be taken by any person aggrieved or affected by such decision. Such appeal shall be to the Superior Court of White County, Georgia, within 30 days of the decision of said City of Cleveland. Any decision by the City of Cleveland denying a request to place, construct or modify a telecommunications facility shall be in writing.

(Ord. No. 2011-21, § IX, 12-12-2011)

Sec. 54-27. Nuisances.

Telecommunications facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times within the limits of, local, state, and federal regulations and shall not be operated so as to cause the generation of heat that adversely affects a building occupant and shall not be maintained or operated in such a manner as to be a nuisance.

(Ord. No. 2011-21, § X, 12-12-2011)

Sec. 54-28. Removal of antennae and towers.

All telecommunications facilities and/or towers shall be maintained in compliance with standards contained in all applicable codes, ordinances, rules and regulations of the City of Cleveland so as to ensure the structural integrity of such facilities and towers. If upon inspection by the economic development and planning director, or their designee, of any telecommunications facility it is determined not to comply with all such city codes, ordinances, rules and regulations, or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the property if such owner is different, such owners shall have 30 days to bring such facility and/or tower into compliance. In the event such telecommunications facility and/or tower is not brought into compliance within 30 days, the City of Cleveland may provide notice to the owners requiring the telecommunications facility to be removed. In the event such telecommunications facility and/or tower is not removed within 30 days of receipt of such notice, the City of Cleveland may remove such facility and tower and place a lien upon the property for the costs of removal. Delay by the City of Cleveland in taking action shall not in any way waive the city's right to take action. The City of Cleveland may pursue all legal remedies available to it to ensure that telecommunications facilities are not in compliance with all applicable city codes, ordinances, rules and regulations or which constitute a danger to persons or property are brought into

compliance or removed. The City of Cleveland may seek to have the telecommunications facility and/or tower removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

(Ord. No. 2011-21, § XI, 12-12-2011 Ord. No. 2026-01, 6-15-2026)

Sec. 54-29. Abandoned towers.

(a) Any telecommunications facility and/or tower that is not operated for a continuous period of 12 months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and/or tower and the owner of the property where such facility and tower are located shall be under a duty to remove the abandoned telecommunications facility and/or tower. If such abandoned telecommunications facility and/or tower is not removed within 60 days of receipt of notice from the City of Cleveland notifying the owner(s) of such abandonment, the city may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The City of Cleveland may pursue all legal remedies available to it to ensure that abandoned telecommunications facilities and/or towers are removed. Delay by the City of Cleveland in taking action shall not in any way waive the city's right to take action. The City of Cleveland may seek to have the telecommunications facility and/or tower removed regardless of the owner's or operator's intent to operate telecommunications facility and/or tower regardless of any permits, federal, state or otherwise, which may have been granted.

(b) If the owner of an abandoned telecommunications facility and/or tower wishes to use such abandoned facility or tower, the owner first must apply for and receive all applicable permits and meet all of the conditions of this article and all other applicable city codes, ordinances, rules and regulations, as though such telecommunications facility and/or tower were an unpermitted facility or tower.

(Ord. No. 2011-21, § XII, 12-12-2011)

Sec. 54-30. Pre-existing towers/non-conforming uses.

(a) All telecommunications facilities and/or towers operative on the effective date of the ordinance from which this article was derived shall be allowed to continue their present usage as a non-conforming use and shall be treated as a non-conforming use site. Routine maintenance shall be permitted on existing telecommunications facilities and or towers.

(b) A telecommunications facility and/or tower that has received complete written approval by the city as of the effective date of the ordinance from which this article was derived, but which has not yet been constructed or placed in operation, shall be considered an existing telecommunications facility and/or tower so long as such approval is current and not expired.

(c) Placement of an antenna on a non-conforming structure shall be considered an expansion of the non-conforming structure, unless given prior written approval by the City of Cleveland.

(Ord. No. 2011-21, § XIII, 12-12-2011)

Sec. 54-31. Penalty for violations of article.

(a) Any person who attempts to erect a telecommunications facility and/or tower covered by this article without having first obtained the necessary permit or variance in the manner provided in this article shall be deemed in violation of this article. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the

City of Cleveland and shall be punished as established by the Master Fee Schedule. Each day during which the violation, or failure or refusal to comply, continues, shall constitute a separate violation.

(b) If any telecommunications facility and/or tower is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this article or without obtaining all required permits, or if any building, structure or land is used in violation of this article, the City of Cleveland, in addition to any other remedies, may institute proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use and/or to correct and/or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.

(Ord. No. 2011-21, § XIV, 12-12-2011; Ord. No. 2026-01, 6-15-2026)

Secs. 54-32—54-50. Reserved.

ARTICLE III. PREPAID WIRELESS TRANSACTIONS

Sec. 54-51. 9-1-1 charge on prepaid wireless transactions.

In accordance with O.C.G.A. § 46-5-134.2, there is hereby imposed a prepaid wireless 9-1-1 charge as defined by O.C.G.A. § 46-5-134.2(a)(4) upon every prepaid wireless retail transaction occurring within the jurisdiction of the public service answering point in the amount of 75 cents.

(Ord. No. 2011-11, § 1, 8-8-2011)

Sec. 54-52. Collection of 9-1-1 charge on prepaid wireless transactions.

Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the commissioner of the department of revenue at the times and in the manner provided by O.C.G.A. Chapter 8 of Title 48 with respect to the sales and use tax imposed on prepaid wireless calling service.

(Ord. No. 2011-11, § 2, 8-8-2011)

Sec. 54-53. Administrative provisions.

The Clerk of the City of Cleveland is hereby directed to file with the state revenue commissioner a certified copy of the ordinance from which this article was derived and amendments thereto, in accordance with O.C.G.A. § 46-5-134.2(j)(l), within ten days of enactment of this article.

(Ord. No. 2011-11, § 3, 8-8-2011)

Sec. 54-54. Depositing of funds; use of funds.

In accordance with O.C.G.A § 46-5-134.2(j)(5), funds received by this county from charges imposed by this article shall be deposited in the emergency telephone system fund maintained by this county pursuant to O.C.G.A. § 46-5-134 and kept separate from general revenue of the jurisdiction; all such funds shall be used exclusively for the purposes by O.C.G.A. § 46-5-134(f).

(Ord. No. 2011-11, § 4, 8-8-2011)

Chapter 56 TRAFFIC AND MOTOR VEHICLES[3]

ARTICLE I. IN GENERAL

Sec. 56-1. Adoption of uniform rules of the road.

Pursuant to O.C.G.A. § 40-6-370, the provisions of O.C.G.A. § 40-6-1 et seq., known as the uniform rules of the road, and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted for the traffic regulations of the city with like effect as if recited in this chapter.

Sec. 56-2. 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:

Crosswalk means that portion of a roadway ordinarily included within the prolongation or connection of curb and property lines at intersections, or any portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

Intersection means the area embraced within the prolongation or connection of the lateral curblines, or if none, then of the lateral boundary lines, of two or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

Motor vehicle means every vehicle which is self-propelled.

Official traffic signals means all signals, not inconsistent with this chapter, placed or erected by authority of the mayor and city council, for the purpose of directing, warning or regulating traffic.

Official traffic signs means all signs, markings and devices, other than signals, not inconsistent with this chapter, placed or erected by authority of the mayor and city council for the purpose of guiding, directing, warning or regulating traffic.

Operator means any person who is in actual physical control of a vehicle.

Pedestrian means any person moving or in a hand-wheeled vehicle.

Pneumatic tires means tires of rubber and fabric or similar elastic material inflated with air.

Police officer means any officer of the police department, or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

Private road or driveway means every road or driveway is not open to the use of the public for the purpose of vehicular travel.

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[3]State law reference(s)—Motor vehicles and traffic, O.C.G.A. § 40-1-1 et seq.; uniform rules of the road, O.C.G.A. § 40-6-1 et seq.; off road vehicles, O.C.G.A. § 40-7-1 et seq.; equipment and inspection of motor vehicles, O.C.G.A. § 40-8-1 et seq.; abandoned motor vehicles, O.C.G.A. § 40-11-1 et seq.; use of speed detection devices, O.C.G.A. § 40-14-2 et seq.; cities and counties authorized to enact ordinances for removal of vehicles, O.C.G.A. § 36-60-4.

Residence district means any street length between street intersections where more than 50 percent of the frontage is in use for residence purposes, or where so designated as such by ordinance.

Right-of-way means the privilege of immediate use of the street or highway.

Roadway means that portion of a street or highway between the regularly established curblines, or that part improved and intended to be used for vehicular travel.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians, which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while so set apart.

Sidewalk means that portion of a street between the curbline and the adjacent property lines.

Slow or *slowly,* when used in this chapter or on any official traffic sign, means that the speed of a vehicle shall not exceed ten miles per hour and that the vehicle shall be under perfect control.

Solid tires means all tires of rubber and fabric or similar elastic material other than pneumatic tires.

Street or *highway* means every way or place of whatever nature open to the use of the public, as a matter of right, for purpose of vehicular travel.

Through street means any street so designated by ordinance whereon traffic has right-of-way over that on intersecting streets, except boulevards.

Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any prescribed lane of travel.

Traffic control signal means any device using colored lights, sounds or words or any combination thereof, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed.

Traffic lane means those spaces in a roadway bounded by real or imaginary lines prescribed for pedestrians or vehicular use.

Trailer means any vehicle without motive power used for carrying property or passengers wholly on its structure and designed for being drawn by a self-propelled vehicle, except those running exclusively upon tracks.

Truck means every vehicle designed for transporting materials.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Comp. Ords. 1970, § 7-801; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Similar definitions, O.C.G.A. § 40-1-1.

Secs. 56-3—56-22. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 56-23. Duties of the police department.

It shall be the duty of the police department to enforce the traffic rules and regulations of the city and all applicable state laws, to make arrests for traffic violations, to investigate accidents, and to cooperate with the

other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the department by this chapter and the traffic ordinances of the city.

(Comp. Ords. 1970, § 7-802)

State law reference(s)—Authority to regulate traffic by means of police officers preserved, O.C.G.A. § 40-6-371(a)(1); obedience to persons directing traffic required, O.C.G.A. § 40-6-2.

Sec. 56-24. Police department authorized to adopt emergency measures.

The police department is empowered to make and enforce regulations necessary to make the provisions of this chapter effectively, and to make and enforce temporary regulations to cover emergencies or special conditions, for the limit or duration of said emergencies or special conditions only.

(Comp. Ords. 1970, § 7-803; Ord. No. 2026-01, 6-15-2026)

Sec. 56-25. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

(Comp. Ords. 1970, § 7-807)

State law reference(s)—Authority to regulate traffic by means of police officers preserved, O.C.G.A. § 40-6-371(a)(1); obedience to persons directing traffic required, O.C.G.A. § 40-6-2.

Sec. 56-26. Signals and directions of traffic officers.

Drivers shall be governed by the signals of traffic officers at intersecting streets and at all other times and places within the city. Drivers must at all times comply with any directions of any member of the police department as to stopping, starting, rate of speed, manner of approaching or departing from any place, the manner of taking on or discharging passengers or loading or unloading goods in any place, or directions deemed necessary by any police officer in the interest of the public safety and convenience.

(Comp. Ords. 1970, § 7-834)

Sec. 56-27. Public employees to obey traffic regulations.

The provisions of this article shall apply to the operators of any vehicles owned by or used in the service of the federal, state, county or city governments; and it shall be unlawful for any such operator to violate any of the provisions of this article except as otherwise permitted herein.

(Comp. Ords. 1970, § 7-808)

Sec. 56-28. Persons propelling pushcarts or riding bicycles or animals to obey traffic regulations.

Every person propelling a pushcart or riding a bicycle or an animal upon a roadway, and every person driving any animal, shall be subject to the provisions of this chapter applicable to the operator of any vehicle, except those

provisions thereof with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

(Comp. Ords. 1970, § 7-809)

State law reference(s)—Authority to regulate persons on toy vehicles preserved, O.C.G.A. § 40-6-371(a)(18); bicycles and play vehicles, O.C.G.A. § 40-6-290 et seq.

Sec. 56-29. Impoundment and disposition of motor vehicles.

(a) Any person, at the direction of the chief of police or a duly certified police officer, is hereby authorized to remove, or have removed at their direction, a vehicle, from any public or private way or place, under any of the circumstances hereinafter enumerated, the council hereby finding and determining such vehicles under such circumstances to be obstructions to traffic or public nuisances. Such vehicle is authorized to be removed under any of the following circumstances:

(1) When any vehicle is left unattended upon any bridge, viaduct, subway or tunnel, or where such vehicle constitutes an obstruction to traffic;

(2) When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

(3) When any vehicle is left unattended upon a street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic, or left unattended on any public street with engine running or with keys in the ignition switch or locked;

(4) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the chief of police, provided, such area or portion of such public street has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a "tow away" area;

(5) When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property;

(6) When the driver of such vehicle is taken into custody by the police department and the vehicle would thereby be left unattended upon a street, highway or restricted parking area, or other public way;

(7) When the driver of a vehicle is reasonably suspected of using license plates or license permit unlawfully misusing a license plate or license permit issued to the driver, or a vehicle is parked without proper license plates or license permits, or with no license plates or license permit or driven or parked with an invalid or expired license permit;

(8) When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or who does not have such license in the driver's immediate possession, or who drives a vehicle contrary to restrictions imposed upon the license, or who drives a vehicle while their operator's or chauffeur's license has been denied, suspended, cancelled or revoked by the state;

(9) When a vehicle is found parked on or so near to any railroad track as to block the same in any manner;

(10) When any truck-tractor is found to be parked in any metered parking space;

(11) When any semitrailer is found to be parked in any metered parking space;

(12) When the driver of any vehicle, or the vehicle which the driver is driving, is reasonably suspected of having been involved in any hit and run accident;

(13) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts;

(14) When the driver of any vehicle is taken into custody for suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods, or other contraband;

(15) When any vehicle is parked or stopped in an emergency access lane in violation of or contrary to a parking limitation or prohibition established by city ordinance, provided that such emergency access lane has been posted with an authorized sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such public roadway or private property is a "tow-away" area.

(b) The owner of any vehicle removed and impounded shall be required to pay for storage and other costs incurred by virtue of such removal and impounding, regardless of the cause of the conduct necessitating such action by the police department.

State law reference(s)—Disposition of personal property in the custody of law enforcement agencies, O.C.G.A. § 17-5-4; authority to remove vehicles, O.C.G.A. § 40-11-3.

Secs. 56-30—56-46. Reserved.

DIVISION 2. ACCIDENT REPORTS[4]

Sec. 56-47. Records of traffic accidents.

It shall be the duty of the police department to keep a record of all violations of the traffic ordinances of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total number of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period. All such records shall be public records.

(Comp. Ords. 1970, § 7-804)

State law reference(s)—Traffic accidents, O.C.G.A. § 40-6-270 et seq.; reporting accidents, O.C.G.A. § 40-9-30 et seq.

Sec. 56-48. Investigation of accidents.

It shall be the duty of the police department to investigate traffic accidents, to make arrests, and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

(Comp. Ords. 1970, § 7-805)

Sec. 56-49. Traffic accident reports.

It shall be the duty of the police department to maintain a suitable system of filing for traffic accident reports. Accident reports or cards referring to them shall be filed numerically by location.

(Comp. Ords. 1970, § 7-806)

[4]State law reference(s)—Accidents and accident reports, O.C.G.A. § 40-6-270 et seq.

State law reference(s)—Duty of law enforcement officer to provide information to parties, O.C.G.A. § 40-6-273.1; reporting accidents, O.C.G.A. § 40-9-30 et seq.

Sec. 56-50. Immediate reporting of accidents, assistance to injured.

In case of accident due to the operation of any vehicle, the driver thereof shall stop immediately and render such assistance as may be possible, giving his correct name, address, and license number to the person injured or to any who request such information, and shall report the accident immediately to the police department or the city clerk.

(Comp. Ords. 1970, § 7-848)

State law reference(s)—Duties of persons involved in motor vehicle accidents, O.C.G.A. § 40-6-270 et seq.

Sec. 56-51. Written report of accident.

The driver of vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of $500.00 or more shall comply with the reporting requirements of O.C.G.A. § 40-6-270 et seq. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat.

(Comp. Ords. 1970, § 7-849)

State law reference(s)—Due to make immediate report of accident, O.C.G.A. § 40-6-273.

Sec. 56-52. When driver unable to report.

Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

(Comp. Ords. 1970, § 7-850)

Sec. 56-53. Public inspection of reports relating to accidents.

(a) All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department for the records for accident prevention purposes, or for the administration of the laws of the state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the identity of a person involved in an accident may be disclosed when such identity is not otherwise known or when such person denies his presence at such accident.

(b) All accident reports and supplemental information filed in connection with the administration of the laws of the state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted except, however, that such reports and supplemental information may be examined by any person named herein or by his representative designated in writing.

(c) No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the police department shall furnish upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with the law.

(Comp. Ords. 1970, § 7-851)

State law reference(s)—Uniform reports and procedures, O.C.G.A. § 40-6-278.

Secs. 56-54—56-79. Reserved.

DIVISION 3. AUTHORIZED EMERGENCY VEHICLES

Sec. 56-80. General operating regulations.

(a) The operation of a fire department vehicle, police department vehicle, or ambulance, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated herein. All other emergency vehicles, when escorted by an official vehicle, may exercise the privileges stated in subsection (b) of this section, but subject to conditions stated herein.

(b) The driver of a fire department vehicle, police department vehicle, or ambulance may:

(1) Park or stand irrespective of the provisions of this section;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits so long as he does not endanger life or property;

(4) Disregard regulations governing direction of movement of turning in specified directions.

(c) The exemptions herein presented to a fire department vehicle, police department vehicle, or ambulance shall apply only when the driver of any such vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red (or blue) light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The provisions of this section shall not relieve the driver of a fire department vehicle, police department vehicle, or ambulance from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Comp. Ords. 1970, § 7-852)

State law reference(s)—Authorized emergency vehicles, O.C.G.A. § 40-6-6.

Sec. 56-81. Right-of-way of certain vehicles.

All city vehicles being operated by fire department personnel while in the performance of their duty and all city vehicles being operated by police department personnel while in the performance of their duty shall have the right-of-way on any street and through any procession in the city.

(Comp. Ords. 1970, § 7-831)

Sec. 56-82. Following fire apparatus prohibited.

It shall be unlawful for the driver of any vehicle, other than on official business, to follow at closer than 200 feet any fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Comp. Ords. 1970, § 7-854)

State law reference(s)—Following emergency vehicles prohibited, O.C.G.A. § 40-6-247.

Sec. 56-83. Driving over fire hose prohibited.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used in any fire or alarm of fire, without the consent of the fire department official in command.

(Comp. Ords. 1970, § 7-827; Ord. of 12-13-2004, exh. A(7-827))

State law reference(s)—Similar provision, O.C.G.A. § 40-6-248.

Secs. 56-84—56-109. Reserved.

ARTICLE III. TRAFFIC CONTROL DEVICES

Sec. 56-110. City to provide for installation and maintenance.

The city council shall provide for the installation and maintenance of traffic control signs, signals, and devices when and as required under the traffic ordinances of the city to make effective the provisions of such ordinances, and may install and maintain such additional traffic control devices as it may deem necessary to regulate traffic under the traffic ordinances of the city or under state law or to guide or warn traffic.

(Comp. Ords. 1970, § 7-870)

State law reference(s)—Authority to regulate traffic by means of official traffic control devices preserved, O.C.G.A. § 40-6-371(a)(2); traffic signs, signals, etc., O.C.G.A. § 40-6-20 et seq.

Sec. 56-111. Manual and specifications.

(a) *State routes.* All traffic control signs, signals, and devices installed on state routes within the city after adoption of the ordinance from which this section is derived shall comply with the provisions of the most recent edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration under 23 CFR 655, subpart F (23 CFR 655.601—655.607), as adopted by the state department of transportation.

(b) *Non-state routes.* All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices are so erected and not inconsistent with the provisions of state law or this section shall be official traffic control devices. Traffic control devices on non-state routes shall be as specified by the city council.

(Comp. Ords. 1970, § 7-871)

Sec. 56-112. Driver to obey.

The driver of any vehicle shall obey the instruction of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exemptions granted the driver of an authorized emergency vehicle.

(Comp. Ords. 1970, § 7-872)

State law reference(s)—Similar provision, O.C.G.A. § 4-6-20.

Sec. 56-113. When traffic signs required for enforcement purposes.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign was not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(Comp. Ords. 1970, § 7-873)

Sec. 56-114. Traffic control signal legend.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights successively one at a time, the following colors shall be used and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) *Green alone.*

a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) *Steady yellow alone.*

a. Vehicular traffic facing the signal is thereby warned that the red signal will be exhibited immediately thereafter.

b. No pedestrians facing such signal shall enter the roadway until the green is shown alone.

(3) *Steady red alone.*

a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection and shall remain stopped until green is shown alone.

b. No pedestrian facing such signal shall enter the roadway until the green is shown alone.

(Comp. Ords. 1970, § 7-874)

State law reference(s)—Meaning of traffic signal indications, O.C.G.A. § 40-6-21.

Sec. 56-115. Flashing signals.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(Comp. Ords. 1970, § 7-875)

State law reference(s)—Flashing red and yellow signals, O.C.G.A. § 40-6-23.

Sec. 56-116. Display of unauthorized signs, signals, or markings.

(a) No person shall place, maintain, or display upon or in view of any highway an unauthorized sign, signal, marking, or device which supposed to be or is an imitation of or resembles an official traffic control device or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or signal.

(b) No person shall place or maintain, nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

(Comp. Ords. 1970, § 7-876)

State law reference(s)—Similar provision, O.C.G.A. § 40-6-25.

Sec. 56-117. Unlawful to paint street or curb without specific authority.

It shall be unlawful for any person, whether a citizen or a police officer, to paint any part of the street, curbing or sidewalk with paint of any color, except, however, duly constituted employees of the police department who may paint the street, curbing or sidewalk under authority of an ordinance or resolution of the mayor and city council specifically authorizing the painting or making.

(Comp. Ords. 1970, § 7-877)

Sec. 56-118. Interference with official traffic control devices or signals.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof.

(Comp. Ords. 1970, § 7-878)

State law reference(s)—Similar provision, O.C.G.A. § 40-6-26.

Sec. 56-119. Crosswalks and safety zones.

The city council is hereby authorized:

(1) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in its opinion there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary.

(2) To establish safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians.

(Comp. Ords. 1970, § 7-879)

State law reference(s)—Pedestrians' right-of-way in crosswalks, O.C.G.A. § 40-6-91; driving through safety zones prohibited, O.C.G.A. § 40-6-98.

Sec. 56-120. Speed detection devices.

(a) The mayor and council hereby approve of and authorize the use of speed detection devices by the Cleveland Police Department in the use of traffic control within the city limits of the City of Cleveland.

(b) The mayor and council hereby name all streets, roads, or public ways inside the City of Cleveland in which such devices are to be used as set forth in a schedule, which shall be maintained in the office of the city clerk, the traffic engineer, and the Cleveland Police Department. The schedule is hereby incorporated herein and made part of the section by reference.

(c) The mayor and council of the City of Cleveland may apply to the Georgia Department of Public Safety for a permit to authorize the use and employment of speed detection devices on streets, above referred, and to take an action that may be appropriate to authorize use of the same as provided by O.C.G.A. § 40-14-2.

(Ord. No. 2013-04, §§ I—III, 5-13-2013; Ord. No. 2026-01, 6-15-2026)

Secs. 56-121—56-136. Reserved.

ARTICLE IV. OPERATION OF VEHICLES

DIVISION 1. GENERALLY

Sec. 56-137. Observance of rules and regulations required of operators of all vehicles.

The owner, operator, driver, or person in charge of any cart, dray, wagon, hackney, coach, omnibus, automobile, truck, taxicab, carriage, buggy, motorcycle, tricycle, bicycle, or other vehicle used, propelled, or driven upon the streets of the city shall conform to and observe the following rules and regulations upon all such streets, alleys, avenues, and public places in said city.

(Comp. Ords. 1970, § 7-811)

State law reference(s)—Required obedience to traffic laws, O.C.G.A. § 40-6-1.

Sec. 56-138. General rules.

Any vehicle, except when passing another vehicle going in the same direction, shall at all times keep as near the righthand curb as possible and shall at all times be driven in a careful manner with due care for the safety and convenience of pedestrians and all other vehicles.

(Comp. Ords. 1970, § 7-812)

State law reference(s)—Driving on right side of roadway and exceptions, O.C.G.A. § 40-6-40.

Sec. 56-139. Driver's license required.

It shall be unlawful for the owner, operator, driver, or chauffeur of any motor vehicle to drive or operate the same or permit the same to be driven or operated on the streets of the city, unless the person operating such motor vehicle has a valid and currently effective driver's license as required by the laws of the state.

(Comp. Ords. 1970, § 7-815)

State law reference(s)—Drivers' licenses, O.C.G.A. § 40-5-1 et seq.

Sec. 56-140. Minimum driving age.

No person who is less than 16 years of age shall drive any vehicle within the corporate limits of the city, except as otherwise authorized by law.

(Comp. Ords. 1970, § 7-816)

State law reference(s)—Drivers' licenses, O.C.G.A. § 40-5-1 et seq.

Sec. 56-141. State license tags.

It shall be unlawful for any person to operate on the streets of the city a vehicle for which a state license tag is required, unless such state license tag for the current year shall be so attached to the vehicle as to be visible and legible at all times.

(Comp. Ords. 1970, § 7-817)

State law reference(s)—Registration and licensing of motor vehicles, O.C.G.A. § 40-20-1.

Sec. 56-142. Rules for passing overtaken vehicles.

A vehicle overtaking another vehicle going in the same direction shall first give an audible warning and then pass on the left side of the overtaken vehicle and not pull to the right until entirely clear of it. No vehicle shall pass another overtaken vehicle on top of a hill, or a curve, or while passing a street intersection.

(Comp. Ords. 1970, § 7-813)

State law reference(s)—Overtaking a vehicle on the left, O.C.G.A. § 40-6-42; overtaking a vehicle on the right, O.C.G.A. § 40-6-43.

Sec. 56-143. Boarding and alighting.

No person shall board or alight from any vehicle, or ride or jump upon the vehicle without the consent of the driver or have any part of the body protruding beyond the limits of the vehicle while the same is in operation.

(Comp. Ords. 1970, § 7-814)

Sec. 56-144. Driving while under influence of intoxicating liquors or narcotic drugs.

It shall be unlawful for any person while in an intoxicated condition or under the influence of intoxicating liquor or narcotics to such an extent as to deprive the person of full possession of their normal faculties to drive or operate any vehicle in the city.

(Comp. Ords. 1970, § 7-821; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Similar provisions, O.C.G.A. § 40-6-391 et seq.

Sec. 56-145. Driving on sidewalk prohibited.

No vehicle shall be driven within any sidewalk area except at a permanent or temporary driveway.

(Comp. Ords. 1970, § 7-828)

State law reference(s)—Obstruction of sidewalks prohibited, O.C.G.A. § 16-11-43; stopping, standing, or parking on sidewalks prohibited, O.C.G.A. § 40-6-203.

Sec. 56-146. Limitation on backing.

No vehicle shall be backed unless such movement can be made with reasonable safety and without interfering with other traffic.

(Comp. Ords. 1970, § 7-829)

State law reference(s)—Similar provision, O.C.G.A. § 40-6-240.

Sec. 56-147. Emerging from alley or private driveway.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving on to a sidewalk or on to the sidewalk area extending across any alleyway.

(Comp. Ords. 1970, § 7-830)

State law reference(s)—Vehicle entering roadway, O.C.G.A. § 40-6-73; entering highway from private driveways, O.C.G.A. § 40-6-144.

Sec. 56-148. Driving past men working on streets.

All drivers of vehicles, particularly motor vehicles, in approaching work being done upon any part of any street, by either city employees or employees of public utility corporations, or by permission of the city, shall slow down their vehicles until, in passing such work or workmen, the rate of speed shall be within the limit prescribed by the modifying word "slow" as prescribed elsewhere in this chapter; provided, however, that such workmen or the foreman in charge of them shall place ahead of the work or workmen, in such a conspicuous location that it

can be seen by the driver of the approaching vehicle, a sign to read as follows: "Men working—slow—city law"; the letters of such sign to be in accordance with the Standard National Code, and preferably to be made of reflector buttons, but if reflector buttons are not used, such signs shall be properly lighted at night.

(Comp. Ords. 1970, § 7-835)

State law reference(s)—Yielding right-of-way in highway construction zones and for maintenance vehicles, O.C.G.A. § 40-6-75.

Sec. 56-149. Reckless driving.

No person shall operate a vehicle in the city recklessly or at a rate of speed greater than is reasonable and proper having regard to the width, traffic and use of the streets or so as to endanger the property, life, safety or convenience of any person or property. It shall also be unlawful to suddenly accelerate the speed of a vehicle either from a stationary position or while in motion; or to accelerate the vehicle in such a manner as to cause any portion of the vehicle to swerve or slide, in any manner; or to drive a vehicle in such a manner as to cause the tires of the vehicle to make a loud or squealing noise; or to accelerate a vehicle in such a manner as to cause any tire of the vehicle to make or leave a black mark upon the surface of the street. Exceeding the speed limits provided in this chapter shall be prima facie evidence that said vehicle was operated in a reckless manner.

(Comp. Ords. 1970, § 7-822; Ord. of 12-13-2004, exh. A(7-822))

State law reference(s)—Driver to use due care; proper use of radio or mobile telephone, O.C.G.A. § 40-6-241; intentional operation of motor vehicles to create danger to persons or property, O.C.G.A. § 40-6-251; reckless driving prohibited, O.C.G.A. § 40-6-390.

Sec. 56-150. Obstruction to driver's view or to driving mechanism.

(a) It shall be unlawful for the driver of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat thereof such number of persons, as to obstruct the view of the driver to the front or sides or to interfere with the operator's control over the driving mechanism of the vehicle.

(b) It shall be unlawful for any passenger in a vehicle to ride in such position as to interfere with either the driver's view ahead or to the rear, or to interfere with the driver's control over the driving mechanism of the vehicle.

(Comp. Ords. 1970, § 7-823; Ord. of 12-13-2004, exh. A(7-823))

State law reference(s)—Obstruction to driver's view of control of vehicle, O.C.G.A. § 40-6-242.

Sec. 56-151. Use of bicycles, roller skates, scooters, skateboards, and other similar devices.

(a) Traffic ordinances apply to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle.

(b) It shall be unlawful for any person to ride a bicycle, roller skate, rollerblade, ride a skateboard, ride a scooter, or any other similar devices on public sidewalks or in city-maintained parks, within the city limits.

(c) No person shall park a bicycle upon any street or highway other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at a curb, in such manner as to afford the least obstruction to pedestrians.

(d) It shall be unlawful for any person to roller skate, rollerblade, ride a skateboard, or any other similar device on any public street or highway within the city limits of the city. Persons riding a bicycle upon a roadway shall be subject to all of the duties applicable to the driver of a vehicle.

(Ord. of 12-13-2004, exh. A(7-824))

State law reference(s)—Bicycles and play vehicles, O.C.G.A. § 40-6-290 et seq.; bicycles to obey traffic laws, O.C.G.A. § 40-6-291; authority to regulate persons on toy vehicles preserved, O.C.G.A. § 40-6-371(a)(18).

Sec. 56-152. Bicycles and motorcycles; one rider only.

It shall be unlawful for more than one person to ride at the same time upon a bicycle or motorcycle, unless such vehicle is designed for the use of more than one person and equipped with a seat for each such person.

(Comp. Ords. 1970, § 7-820)

State law reference(s)—Authority to regulate persons on toy vehicles preserved, O.C.G.A. § 40-6-371(a)(18).

Sec. 56-153. Regulations for protection of the blind.

(a) All drivers of vehicles, motor-driven or otherwise, who observe any person in the act of crossing the street from one sidewalk to the other at intersecting streets, using a white cane or white cane with a red end or accompanied by a service dog, shall immediately bring such vehicles to a complete stop and permit such person to cross said street in safety.

(b) The protection granted in this section shall be given only to those pedestrians who are wholly or partially blind. It shall be unlawful for any person not wholly or partially blind to use a cane of the kind described in this section or service dog for the purpose of signaling or stopping vehicular traffic while crossing the street.

(Comp. Ords. 1970, § 7-825; Ord. of 12-13-2004, exh. A(7-825))

State law reference(s)—Blind pedestrian right-of-way, O.C.G.A. § 40-6-94.

Sec. 56-154. Officers may be detailed to control movement of vehicles during private funerals.

It shall be within the power and discretion of the chief of police, upon notice from funeral directors, having in charge any funeral to occur at the residence of any person, of the time and place of such funeral, to detail police officers to direct the passing of such house by vehicles other than police or fire machines or ambulances, during the progress of the funeral.

(Comp. Ords. 1970, § 7-826; Ord. of 12-13-2004, exh. A(7-826))

State law reference(s)—Regulations regarding following too closely not applicable to funeral processions, O.C.G.A. § 40-6-49; disruption of funeral procession prohibited, O.C.G.A. § 16-11-34.2.

Sec. 56-155. Towing of vehicles restricted.

No vehicle shall tow more than one other vehicle, nor shall the connection between vehicles exceed 15 feet in length.

(Comp. Ords. 1970, § 7-833(e))

Sec. 56-156. Improper operation of off-road vehicles.

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

Off-road vehicle unless the context otherwise requires, means any motorized vehicle designed for or capable of travel on or immediately over land, water, snow, ice, marsh, swampland or other natural terrain and not intended for use predominantly on public roads. The term "off-road vehicle" includes, but is not limited to, four-wheel-drive or low-pressure-tire vehicles, two-wheel vehicles (including trail bikes and minibikes), amphibious machines, ground effect or air-cushion vehicles, and any other means of transportation deriving power from any source other than muscle or wind. The term "off-road vehicle" does not include any motorboats; any military, fire or law enforcement vehicle; any vehicles used exclusively on airports; all farm machinery, farm tractors, and other self-propelled equipment for harvesting and transportation of forest products, for clearing land for planting, for utility service and maintenance, for earth moving, construction or mining; and self-propelled lawnmowers, snow blowers, garden or lawn tractors, or golf carts while such vehicles are being used exclusively for their designed purposes.

(b) This section shall be considered as cumulative to any and all other laws, rules and regulations regarding the subject matter; however, if this section is in conflict with existing rules, regulations and resolutions, then where it is in conflict this section shall prevail and be considered governing.

(c) As authorized by O.C.G.A. § 40-7-5, any person operating an off-road vehicle in the city under any of the following conditions shall be deemed to be in violation of this section:

(1) Without operative brakes, or without mufflers or other silencing equipment;

(2) In such a manner as to make, continue to make, or cause to be made any loud, unnecessary or unusual sound or noise which either endangers the comfort, repose, health, peace or safety of others in the county, and which is audible to a person of normal hearing ability more than 50 feet from the point of origin of such sound or noise;

(3) On any private property without the property owner or his agent being present or without being in possession of the expressed written permission of the property owner or his agent;

(4) On the right-of-way of any street, highway, avenue, lane, public throughway, etc., of the county;

(5) On the roadway of any street or highway of the county without complying with all appropriate state laws and county ordinances.

Secs. 56-157—56-180. Reserved.

DIVISION 2. TURNING[5]

Sec. 56-181. Authority to place restricted turn signs.

The city council is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall provide for the placement of proper signs at such intersections.

(Comp. Ords. 1970, § 7-855)

[5]State law reference(s)—Turning, O.C.G.A. § 40-6-120 et seq.

Sec. 56-182. Obedience to no-turn signs.

It shall be unlawful for the driver of a vehicle to disobey the directions of an authorized sign indicating that a right, left, or U-turn is not permitted.

(Comp. Ords. 1970, § 7-856)

Sec. 56-183. Limitations on turning around.

It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction upon any street in the city except at an intersection. Such a turn is then permissible only if the movement can be made in safety and without interfering with other traffic.

(Comp. Ords. 1970, § 7-857)

Secs. 56-184—56-204. Reserved.

DIVISION 3. STOPPING, STANDING, AND PARKING[6]

Sec. 56-205. Prohibited in specified places; no signs required.

(a) No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, at any place where prohibited by official signs or regardless of the presence or absence of such signs, in any of the following places:

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) At any place marked by yellow curbing;

(5) Within 15 feet of a fire hydrant;

(6) On a crosswalk;

(7) Within ten feet of the corner of any street;

(8) Within 20 feet of a crosswalk at an intersection;

(9) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

(10) Within 20 feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station, within 75 feet of said entrance, when properly signposted;

(11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

[6]State law reference(s)—Stopping, standing, and parking generally, O.C.G.A. § 40-6-200 et seq.

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(c) Any vehicle parked or left standing in violation of any provisions of this Code or any ordinance of the city prohibiting or regulating parking or vehicles upon the streets or other places of the city, or for a period exceeding 24 hours is hereby declared a public nuisance and a trespasser on the public right-of-way, and an obstruction upon the streets, and a hazard to traffic thereon, and any public officer upon discovering any such vehicle shall remove such vehicle or cause the same to be removed to any city-owned or operated property where the same shall be kept and detained until the owner of such vehicle, his agent or representative obtains an order from the chief of police authorizing such vehicle to be surrendered, or upon the order from the recorder's court of the city after a hearing shall be had thereon as herein provided.

(d) If such vehicle remains in the custody of the city exceeding a period of 30 days, under any one of the circumstances enumerated in subsection (c) of this section, and after a reasonable effort has been made on the part of the city police to locate the owner of such vehicle, then and in that event, the same may be advertised for sale one time in the official county organ and ten days after such advertisement, same may be sold at public sale on the property where the vehicle is located. Proceeds of said sale, after expenses, are to be deposited in the general funds of the city.

(Comp. Ords. 1970, § 7-858)

State law reference(s)—Similar provisions, O.C.G.A. § 40-6-203; officers authorized to remove vehicles, O.C.G.A. § 40-6-206.

Sec. 56-206. Parking prohibited after 12:00 midnight.

It shall be unlawful for any person to park and leave standing or cause to be parked or left standing any automobile, truck, motorcycle, or other similar vehicle on any of the paved streets and in the public square in the city for a period exceeding one hour after 12:00 midnight.

(Comp. Ords. 1970, § 7-859)

Sec. 56-207. Parking not to obstruct traffic.

No person shall park any vehicle upon a street in such a manner or under such conditions as leaving available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Comp. Ords. 1970, § 7-860)

State law reference(s)—Parking procedure, O.C.G.A. § 40-6-200; obstruction of intersection prohibited, O.C.G.A. § 40-6-205.

Sec. 56-208. Parking for repairs restricted to emergencies.

No person shall park a vehicle upon any roadway for the principal purpose of washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

(Comp. Ords. 1970, § 7-861)

State law reference(s)—Disabled vehicles, O.C.G.A. § 40-6-204.

Sec. 56-209. Parking vehicles for sale on rights-of-way prohibited.

(a) It shall be unlawful to park or leave unattended on or within the right-of-way of any public road in the incorporated areas of the city any used motor vehicle that is marked for sale or otherwise displayed for sale. A vehicle shall be considered to be displayed for sale when a reasonable person would perceive that the vehicle is for sale without having to inquire whether the vehicle is for sale.

(b) The law enforcement officials of the city are authorized and empowered to impound any vehicle found to be in violation of this section. The owner of such vehicle shall be responsible for all expenses and charges incurred in the towing and storage of the vehicle.

Sec. 56-210. Authority of city council to prohibit parking in certain areas.

The city council is hereby authorized to provide, at its discretion, for the erection of signs prohibiting parking upon either or both sides of any street when such parking would, in the opinion of the council, interfere with traffic or create a hazardous or congested condition.

(Comp. Ords. 1970, § 7-862)

Sec. 56-211. Reserved spaces.

Parking spaces may be reserved by the city council for the exclusive, free occupancy of such city and county officials as the council may designate. Any reserved spaces so provided shall be clearly marked as such. No vehicles except those permitted by this section shall be parked in these spaces.

(Comp. Ords. 1970, § 7-863)

Sec. 56-212. Standing for loading or unloading only in certain places.

(a) It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers.

(b) It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery or pickup and loading of materials, and in no case shall a vehicle block the free movement of vehicles from parking spaces.

(Comp. Ords. 1970, § 7-864)

Sec. 56-213. Backing vehicles into curb to take on or discharge loads.

In places where, and at such hours as, stopping for loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise may back into the curb to take on or discharge loads.

(Comp. Ords. 1970, § 7-865)

State law reference(s)—Parking procedure, O.C.G.A. § 40-6-200.

Sec. 56-214. Parking signs required.

Whenever by any ordinance of the city any parking time limit is imposed or parking is prohibited in designated areas, except as provided in section 56-205, it shall be the duty of the city council to provide for the erection of appropriate signs giving notice thereof, and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

(Comp. Ords. 1970, § 7-866)

Sec. 56-215. Motor vehicles left unattended; brakes to be set and engine stopped.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of said vehicle and, when standing upon a perceptible grade, without turning the wheels of such vehicle to the curb or the side of the street or highway.

(Comp. Ords. 1970, § 7-867)

State law reference(s)—Parking procedure, O.C.G.A. § 40-6-200.

Sec. 56-216. Lights on parked vehicles.

Whenever a vehicle is parked or stopped on a street during the time between a half hour after sunset and a half hour before sunrise, or at any other time when there is not sufficient light to render clearly discernible any vehicle on the street from a distance of 200 feet, there shall be displayed upon such vehicle two or more lamps, one of which shall be on the roadway side and project a white light visible under normal atmospheric conditions for a distance of 500 feet to the front of such vehicle, and one of which lamps shall project a red light under like conditions for a distance of 500 feet to the rear of such vehicle, except that such parking lights need not be displayed upon any vehicle stopped or parked in accordance with other provisions of this chapter upon any street designated by the mayor and city council where there is sufficient light to reveal any person within a distance of 200 feet upon such street. If a red glass reflector is installed in the rear of such vehicle and is in place, same may be used without turning on the red taillight provided for elsewhere in this chapter; but said glass reflector must be of approved design.

(Comp. Ords. 1970, § 7-868)

State law reference(s)—Parking procedure, O.C.G.A. § 40-6-200.

Secs. 56-217—56-240. Reserved.

DIVISION 4. SPEED REGULATIONS[7]

[7]State law reference(s)—Maximum speed limits, O.C.G.A. § 40-6-181; power of local authorities to alter speed limits, O.C.G.A. § 40-6-183.

Sec. 56-241. Maximum speed allowed.

Except as otherwise provided in this division, it shall be unlawful to operate a motor vehicle on the public streets of the city at a speed greater than 25 miles per hour, excluding state routes unless otherwise posted.

(Comp. Ords. 1970, § 7-844; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Alteration of speed limits by local authorities, O.C.G.A. § 40-6-183.

Sec. 56-242. Reduced speed required at intersections.

Upon approaching any street intersection, curve, or other place of danger, all drivers of vehicles shall slow down to such a speed, not exceeding ten miles per hour, as not to endanger the life or limb of any pedestrians or other persons and shall have said vehicle under complete control.

(Comp. Ords. 1970, § 7-845)

Sec. 56-243. Reduction of speed when speed hazards exist.

(a) No person shall drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the existing conditions and with due regard for the actual and potential hazards that exist. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street, road, highway or other avenues of travel, in compliance with legal requirements and the duty of all persons to use due care and caution.

(b) Where no speed hazards exist that require lower speed for compliance with subsection (a) of this section, the speed of any vehicle not less than the minimum limits or not in excess of the maximum limits or established as authorized herein, shall be lawful, but no speed in excess of the maximum limits specified in this section, or established as authorized by this section, shall be unlawful unless special hazards exist that might require lower speed for compliance with subsection (a) of this section.

State law reference(s)—Alteration of speed limits by local authorities, O.C.G.A. § 40-6-183.

Sec. 56-244. Driving at unnecessarily slow speed prohibited.

It shall be unlawful for any person unnecessarily to drive at such slow speed as to impede or block the normal and reasonable movement of traffic.

(Comp. Ords. 1970, § 7-846)

State law reference(s)—Minimum speed regulation, O.C.G.A. § 40-6-184.

Sec. 56-245. Slow moving vehicles.

Slowly moving or heavily laden vehicles shall not be driven upon the streets abreast, but one must follow behind the other and keep as near the righthand curb as possible.

(Comp. Ords. 1970, § 7-847)

State law reference(s)—Minimum speed regulation, O.C.G.A. § 40-6-184.

Sec. 56-246. Speed detection device authorized.

The mayor and council hereby approve of and authorize the use of speed detection devices by the Cleveland Police Department in the use of traffic control within the city limits of the City of Cleveland.

(Res. of 5-11-1992; Ord. No. 2016-14, § I, 11-14-2016)

State law reference(s)—Georgia Peace Officer Training Act, O.C.G.A. § 35-8-1 et seq.; authority for use or speed detection devices by local law enforcement officers, O.C.G.A. § 40-14-2; requirements that local government obtain state permit, O.C.G.A. § 40-14-2.

Sec. 56-246.1. Schedule of streets, roads, and public ways in which speed detection devices used.

The mayor and council hereby name all streets, roads, or public ways inside the City of Cleveland in which such devices are to be used as set forth in a schedule, which shall be maintained in the office of the city clerk, the traffic engineer, and the Cleveland Police Department. The schedule is hereby incorporated herein and made part of the section by reference.

(Ord. No. 2016-14, § II, 11-14-2016)

Sec. 56-246.2. Permit for use and employment of speed detection devices.

The mayor and council may apply to the Georgia Department of Public Safety for a permit to authorize the use and employment of speed detection devices on streets, above referred, and to take an action that may be appropriate to authorize use of the same as provided by O.C.G.A. § 40-14-2.

(Ord. of 2-9-2004(2), § II; Ord. of 1-7-2008; Ord. No. 2026-01, 6-15-2026)

Secs. 56-248—56-272. Reserved.

ARTICLE V. VEHICLE EQUIPMENT

Sec. 56-273. Lights on vehicles operated at night required.

All vehicles used or operated on any street, alley, or highway in the city during the time from one hour after sunset to one hour before sunrise shall have thereon two lighted lamps not to exceed 32 candlepower, each visible from the front of every such vehicle, excepting bicycles and motorcycles which shall have one such light on the front.

(Comp. Ords. 1970, § 7-818; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Lighting equipment, O.C.G.A. § 40-8-20 et seq.

Sec. 56-274. Light dimmers required.

The operator of a motor vehicle shall use his lights during the prescribed hours in such manner as exhibiting only the dim or short-range lights while operating said vehicle within the city limits.

(Comp. Ords. 1970, § 7-833(c))

Sec. 56-275. Use of spotlights prohibited.

The use of a spotlight on a vehicle is prohibited, except that it may be used to illuminate only the right side of the street and for a distance not to exceed 15 feet diagonally in front of the vehicle.

(Comp. Ords. 1970, § 7-833(f))

Sec. 56-276. Improper wheels.

No vehicle with wheels so constructed as to cause dents or imprints on paved streets shall be allowed on any paved streets within the corporate limits of the city.

(Comp. Ords. 1970, § 7-819)

Sec. 56-277. Unnecessary noise, sounding of horns prohibited.

No person shall make, cause, or permit to be made any unnecessary noise by any vehicle, its horn, or other noise-making device. Operators of vehicles are prohibited from sounding their horns while said vehicle is stopped or waiting for a traffic block to pass.

(Comp. Ords. 1970, § 7-832)

State law reference(s)—Operation of radio at level audible at distance of 100 feet or more prohibited, O.C.G.A. § 40-6-14; exhaust systems, O.C.G.A. § 40-8-71.

Sec. 56-278. Use of siren or gong prohibited.

It shall be unlawful for the operator of a vehicle, except an authorized emergency vehicle actually on emergency call, to use a siren or gong.

(Comp. Ords. 1970, § 7-833(a))

Sec. 56-279. Brakes required.

All motor vehicles shall be equipped with two sets of adequate brakes kept in good repair at all times, except that motorcycles shall be required to have only one set of brakes in good repair.

(Comp. Ords. 1970, § 7-833(b))

Sec. 56-280. Projecting loads restricted.

No vehicle shall be allowed the use of the streets with a load projecting more than four feet in rear of the body of said vehicle or more than one foot to either side of the vehicle, unless said load has a red flag at least 12 inches square attached to the extreme ends of said projecting load during the daylight hours, and a red light or lantern securely attached to the projecting load during the night hours.

(Comp. Ords. 1970, § 7-833(g))

Secs. 56-281—56-308. Reserved.

ARTICLE VI. PEDESTRIANS' RIGHTS AND DUTIES[8]

Sec. 56-309. Right-of-way.

(a) The driver of any vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk, or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by a police officer or traffic control signals, or at any point where a pedestrian tunnel or overhead crossing has been provided.

(b) Whenever any vehicle has stopped at a marked crosswalk or at any intersection, to permit a pedestrian to cross the roadway, it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

(c) Pedestrians shall not cross streets or thoroughfares at any point other than legally designated marked or unmarked crosswalks.

(d) The provisions of this section shall not relieve the driver of a vehicle or the pedestrian from the duty to exercise due care.

(Comp. Ords. 1970, § 7-839)

State law reference(s)—Pedestrian's right-of-way in crosswalk, O.C.G.A. § 40-6-91; blind pedestrian right-of-way, O.C.G.A. § 40-6-94; pedestrians required to yield to authorize3d emergency vehicles, O.C.G.A. § 40-6-99.

Sec. 56-310. Controlled intersections.

On streets where traffic at intersections is controlled by traffic control signs or by a police officer, pedestrians shall not cross a roadway against a red or stop signal and between adjacent intersections so controlled and shall not cross at any place except in a marked or unmarked crosswalk. A pedestrian crossing or starting across in any such crosswalk on a green or go signal shall have the right-of-way over all vehicles, including those making turns, until such pedestrian has reached the opposite curb or a safety zone, and it shall be unlawful for the operator of any vehicle to fail to yield the right-of-way to any such pedestrian.

(Comp. Ords. 1970, § 7-840)

State law reference(s)—Pedestrian's right-of-way in crosswalk, O.C.G.A. § 40-6-91; blind pedestrian right-of-way, O.C.G.A. § 40-6-94; pedestrians required to yield to authorized emergency vehicles, O.C.G.A. § 40-6-99.

Sec. 56-311. Jaywalking prohibited.

Pedestrians shall cross streets only at street intersections or crosswalks and shall not cross street or crosswalk intersections diagonally.

(Comp. Ords. 1970, § 7-841)

[8]State law reference(s)—Rights and duties of pedestrians, O.C.G.A. § 40-6-90 et seq.

State law reference(s)—Pedestrian required to obey traffic control devices and traffic regulations, O.C.G.A. § 40-6-90.

Sec. 56-312. Pedestrians to use right half of crosswalk.

Pedestrians shall move, whenever practicable, upon the right half of a crosswalk.

(Comp. Ords. 1970, § 7-842)

Sec. 56-313. Pedestrians soliciting rides.

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private or commercial vehicle.

(Comp. Ords. 1970, § 7-843)

State law reference(s)—Pedestrians soliciting rides or business, O.C.G.A. § 40-6-97.

Chapter 58 UTILITIES[9]

ARTICLE I. IN GENERAL

Secs. 58-1—58-18. Reserved.

(1) "Wastewater treatment plant" shall have the same meaning as provided for in O.C.G.A. § 43-51-2.

(1) "Water treatment plant" shall have the same meaning as provided for in O.C.G.A. § 43-51-2.

(Ord. No. 2026-01, 6-15-2026)

ARTICLE II. SERVICE CONNECTIONS AND CHARGES

[9]State law reference(s)—Public utilities generally, O.C.G.A. § 46-1-1 et seq.; municipal home rule, O.C.G.A. § 36-35-1 et seq.; municipal utilities, O.C.G.A. § 36-34-5; Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.; water resources, O.C.G.A. § 12-5-1 et seq.; public water systems, O.C.G.A. § 12-5-170 et seq.; water supply, O.C.G.A. § 12-5-470; sewage and waste disposal, O.C.G.A. § 12-5-29 et seq.; refusal by city or county to supply water because of indebtedness of prior owner, occupant, or lessee prohibited and limited liens for unpaid utility charges, O.C.G.A. § 36-60-17.

Sec. 58-19. Monthly rates.

(a) All water furnished by the city to users shall be computed monthly on rates set by city council and will be paid promptly by the water customers. The council may require a deposit from the customer before installing the water meters.

(b) Set rates shall apply only to users or property served by water within the corporate limits of the city. Higher rates for water furnished by the city to users or property outside the corporate limits shall be set if the council deems necessary.

(c) Users or property served by the city system shall be charged an amount determined by the city council and paid promptly. The city council is authorized to discontinue water service to any customer who is not current in payment of his water bill upon written notice by the city of the user or customer that unless his delinquent account is not paid within 15 days from receipt of the notice.

(Comp. Ords. 1970, § 6-501)

Sec. 58-20. Deposits.

(a) *Residential deposits.* An applicant, seeking water or sewer service, or both, to users or property situated within or without the corporate limits, shall be required to provide to the City of Cleveland with a deposit. Only one deposit per location, shall be required from each applicant, whether or not said applicant is seeking only water service, only sewer service, or both water and sewer service. The Master Fee Schedule for determining the amount of the deposit shall include the following:

(1) *Persons seeking water and/or sewer service who own the property to be serviced*

(2) *Persons seeking water and/or sewer service who rent the property to be serviced*

(b) *Commercial deposits.* An applicant seeking water or sewer service, or both, to users or property situated within or without the corporate limits shall be required to provide to the City of Cleveland a deposit. Only one deposit per location, shall be required from each applicant, whether or not said applicant is seeking only water service, only sewer service, or both water and sewer service The Master Fee Schedule for determining the amount of the deposit shall include the following:

(1) *Restaurants—Water and/or sewer service*.

(2) *Hotels, convention centers, water parks, industrial and manufacturing—Water and/or sewer service:*

(3) *Other commercial accounts—Water and/or sewer service*

(Ord. No. 2011-13, § 2, 11-7-2011; Ord. No. 2026-01, 6-15-2026)

Editor's note(s)—Ord. No. 2011-13, § 2, adopted Nov. 7, 2011, repealed former § 58-20, and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Comp. Ords. 1970, § 6-506.

Sec. 58-21. Liability of property owner for water and/or sewer bills of tenants.

In every instance the property owner, where only city water service is used, only city sewer service is used, or both city water and city sewer service is used, to users or property situated within or without the corporate limits, shall be liable to the city for applicable rents and in the event his tenant shall fail to pay the charges when presented, then the bill shall be presented to the property owner or his agent, and on his failure or refusal to pay

same, the city water and/or city sewer shall be at once cut off from the premises and no connection shall be made with such premises until all arrears together with the cost of connection shall have been paid to the city.

(Comp. Ords. 1970, § 6-508; Ord. No. 2011-13, § 2, 11-7-2011)

Sec. 58-22. Notice to discontinue service.

Any persons wishing to discontinue the use of city's water system, use of the city's sewer system, or both the city's water and sewer system, must give notice to the office of the Cleveland Utility Department; and they will be charged for the water and/or sewer until such notice is made. A final bill will be charged if the customer's request is received ten or more days after the 15th of the month.

(Comp. Ords. 1970, § 6-509; Ord. No. 2011-13, § 2, 11-7-2011)

Sec. 58-23. Special rate or meter required.

No continuous flow of water will be allowed unless a special rate is fixed or a meter used.

(Comp. Ords. 1970, § 6-510)

Sec. 58-24. Metering and billing.

(a) All water service shall be fully metered and said water meters shall be read monthly to the nearest 100 gallons and bills rendered monthly on such reading.

(b) All sewer service shall be computed from the monthly water usage. Sewer users only will be computed by the water meter installed from another source, or by a sewer meter installed by the user.

(c) All water furnished by the City of Cleveland to users or property situated within or without the corporate limits shall be metered and computed monthly and paid for at the rates set in section 58-31.

(d) All sewer service furnished by the City of Cleveland to users or property situated within or without the corporate limits shall be computed monthly and paid for at the rates set in section 58-31.

(Comp. Ords. 1970, § 6-513; Ord. No. 2011-13, § 2, 11-7-2011; Ord. No. 2026-01, 6-15-2026)

Sec. 58-25. Faulty or inaccurate meters.

In the event any meter shall be found to be inoperative at the end of any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible, and the bill for water used during the current period shall be the average of the last three monthly bills.

(Comp. Ords. 1970, § 6-514)

Sec. 58-26. Additional charge for overdue bills.

If any bill for water service and sewerage service shall be and remains due and unpaid for as long as 15 days after rendition, there shall be an additional charge of ten percent added thereto.

(Comp. Ords. 1970, § 6-515)

Sec. 58-27. Discontinuance of service for overdue bills.

If any water service and sewerage service shall be and remain past due and unpaid for as long as 30 days, water service and sewerage service to such delinquent consumer shall be disconnected and shall not be reconnected until all past due bills including cut-off fee and cut-on fee have been paid. It shall be the duty of the city clerk to notify the operator of the water and sewerage system of such delinquency, who shall proceed immediately to the premises of the customer in arrears and disconnect service.

(Comp. Ords. 1970, § 6-516)

Sec. 58-28. Fire hydrant rentals; automatic sprinkler system charges.

The rental for public and private fire hydrant service and the charge for service to automatic sprinkler systems shall be as set forth in the city's fee schedule.

(Comp. Ords. 1970, § 6-517)

Sec. 58-29. Unlawful to tamper with meters or system.

It shall be unlawful for any person to tamper with or change any water meter, or to make any connection to the system without permission or to reconnect service, until such bill has been paid in full, including the cut-off fee and the cut-on fee. In addition to all other applicable penalties, any person violating this section shall be subject to a meter tampering fee in the amount provided in the city fee schedule.

(Comp. Ords. 1970, § 6-518)

Sec. 58-30. No free service.

No water or sewerage service shall be furnished or rendered without charge.

(Comp. Ords. 1970, § 6-520)

Sec. 58-31. Water and sewer rates.

Rates for water and sewer services shall be as set forth in the city fee schedule.

Sec. 58-32. Methods of payment.

(a) The City of Cleveland shall accept as payment for amounts due under this article, the following methods of payment:

(1) Cash;

(2) Check;

(3) Money order;

(4) Credit card/debit card (Visa, MasterCard, Discover).

(b) Nothing in this section shall require the City of Cleveland to accept a particular type of credit card for the payment of amounts due under this article.

(Ord. No. 2011-13, § 2, 11-7-2011)

Sec. 58-33. Sewer service availability.

Unless otherwise determined, and as the city can feasibly accommodate, sewer service is only available to areas within the Cleveland water service area.

(Ord. No. 2011-13, § 2, 11-7-2011)

Secs. 58-34—58-50. Reserved.

ARTICLE III. SEWERS

DIVISION 1. GENERALLY

Sec. 58-51. 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:

Act or *the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval authority means the state department of natural resources environmental protection division.

Authorized representative of the user.

(1) If the user is a corporation, the authorized representative means:

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 manner in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship, the authorized representative means a general partner or proprietor, respectively.

(3) If the user is a federal, state or local governmental facility, the authorized representative means highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described in subsections (1) through (3) of this definition 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* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Categorical pretreatment standard or *categorical standard* means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317(b), (c)) which apply to a specific category of users and which appear in 40 CFR 405—471.

City means the city council, or personnel appointed by the city council, to enforce and carry out duties of this article.

Environmental Protection Agency or *EPA* means 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 means 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 sample means a sample which is taken from a wastestream without regard to the flow in the wastewater and over a period of time not to exceed 15 minutes.

Health officer means 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 means wastewater which contains quantities of specified constituents that exceed the quantities normally encountered in domestic wastewater as defined in section 58-104.

Indirect discharge or *discharge* means the introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the Act.

Industrial wastewater means 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 means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference means 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:

(1) Section 405 of the Act;

(2) The Solid Waste Disposal Act, including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA);

(3) Any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act;

(4) The Clean Air Act;

(5) The Toxic Substances Control Act; and

(6) The Marine Protection, Research, and Sanctuaries Act.

Medical waste means isolation wastes, infections 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) The term "new source" means 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;

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 (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this definition has commenced if the owner or operator has:

a. Begun, or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which are 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 definition.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pass through means 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 means any individual, partnership, 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 means a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant means 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 means 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 means 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.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment standards or *standards* means prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or *prohibited discharges* means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 58-84.

Publicly owned treatment works or *POTW* means "treatment works," as defined by section 212 of the Act (33 USC 1292), which are 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 means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means human excrement and gray water (household showers, dishwashing operations, etc.).

Significant industrial user means:

(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 lowdown wastewater);

b. Contributes a process wastestream which makes up five 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.

Upon a finding that a user meeting the criteria in subsection (2) of this definition 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* means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 58-84.

Standard Industrial Classification (SIC) Code means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Superintendent means 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 means 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* means a source of indirect discharge.

Wastewater means 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* means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(Ord. of 5-9-1988, § II; Ord. of 11-13-2000, § 1.4; Ord. No. 2026-01, 6-15-2026)

Sec. 58-52. 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
USC	United States Code

(Ord. of 11-13-2000, § 1.3)

Sec. 58-53. Purpose and policy.

(a) This article sets forth uniform requirements for users of the for the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR 403). The objectives of this article are:

(1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

(2) 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;

(3) 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;

(4) To promote refuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and

(6) 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.

(b) This article shall apply to all users of the city's publicly owned treatment works. The article authorizes the issuance of wastewater discharge permits; 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 5-9-1988, § I; Ord. of 11-13-2000, § 1.1)

Sec. 58-54. Administration.

Except as otherwise provided herein, the city council 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 11-13-2000, § 1.2)

Sec. 58-55. Toilets or privies required.

It shall be unlawful to maintain, or use any residence, place of business or other buildings or place where persons reside, congregate, or are employed which is not provided with means for the disposal of human excreta, either by a flush toilet connected with a sewerage system approved by the state health department or a privy which meets the requirements of construction and maintenance, set out by the state health department, of the ordinances of the city.

(Comp. Ords. 1970, § 6-502)

Secs. 58-56—58-83. Reserved.

DIVISION 2. SEWER USE REQUIREMENTS

Sec. 58-84. Prohibited discharge standards.

(a) General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes passing 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 degrees Fahrenheit (60 degrees Celsius) using test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 11.0 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 degrees Fahrenheit (65 degrees Celsius), 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 degrees Fahrenheit (40 degrees Celsius);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the 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 58-93(d);

(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 permits;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Stormwater, surface water, groundwater, 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, 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; or

(17) Fats, oils, or grease concentrations of vegetable or animal origins in concentrations greater than 150 mg/l.

(c) 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 5-9-1988, § III; Ord. of 11-13-2000, § 2.1)

Sec. 58-85. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR 405—471 are hereby incorporated:

(1) 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).

(2) 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).

(3) 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.

(4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(Ord. of 5-9-1988, § IV; Ord. of 11-13-2000, § 2.2)

Sec. 58-86. Local limits.

(a) 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 design capacity of the POTW, NPDES permit requirements, receiving stream water quality standards, 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 requirements of this subsection to protect human health and the local environment.

(b) 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.

(c) Local limits have been calculated in accordance with the considerations of this section and are provided in the following table:

Table 2-3. Local Limits

Pollutant	Limit* (mg/l)
Bis(2-ethylhexyl)phthalate	0.63
Arsenic	3.6
Cadmium	0.01
Chromium	9.3
Chloroform	2.0
Copper	0.14
Lead	0.27
Mercury	0.002

Nickel	5.6
Selenium	0.2
Toluene	2.0
Zinc	5.2
Cyanide	0.10
Silver	0.005
Chloride	250
Phenols	2.0
Ammonia	35
Surfactants (as MBAS)	200
Total Toxic Organics (TTO)	2.13
Oil and Grease	150
BOD	825
TSS	650

*Equivalent mass-based limits may be imposed at the city's discretion

Note: All metals are "total" metals unless otherwise specified.

(Ord. of 5-9-1988, § III(p); Ord. of 11-13-2000, § 2.3; Ord. No. 2026-01, 6-15-2026)

Sec. 58-87. 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 article, including the National Categorical Pretreatment Standards.

(Ord. of 11-13-2000, § 2.4)

Sec. 58-88. 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 limitation on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. of 11-13-2000, § 2.5)

Sec. 58-89. Construction standards.

(a) *Generally.* 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 ASTM 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 cast iron soil pipe, ASTM A74, latest revision, or equal; ductile iron pipe, American National Standards Institute (ANSI) A21.51, latest revision, or equal; or polyvinyl chloride (PVC) sewer pipe, ASTM 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 cast iron soil pipe or ductile iron pipe. Bolted mechanical joints may be 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 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 watertight.

a. Push-on joints for cast iron soil pipe shall have neoprene gaskets in accordance with the requirements of ASTM C564.

b. Push-on joints for ductile iron pipe shall also have neoprene gaskets and be installed according to the manufacturer's recommendations.

c. 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 the gasket shall be done in accordance with the pipe manufacturer's instructions using all the necessary materials, lubricants, and equipment recommended by the manufacturer.

d. 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 hold 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 extension 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 11-13-2000, § 2.6)

Sec. 58-90. 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 division.

(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 11-13-2000, § 2.7)

Sec. 58-91. Private sewage disposal.

(a) When a public sanitary sewer is not available in accordance with this division, building sewers shall be connected to private on-site sewage management systems complying with the provisions of the city, the health officer, and the state department of human resources. The following conditions shall apply for private on-site 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 this article, 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 20,000 square feet.

(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 article.

(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 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 division 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 100 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;

(2) In areas where the health officer deems the use of pit privies to constitute a nuisance or menace to public health;

(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 premises that have 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 stating that the system is not functioning in a sanitary manner, and ordering that the system be corrected.

(g) Premises with private water systems shall not be connected with the public sewerage system.

(h) No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(Ord. of 11-13-2000, § 2.8; Ord. No. 2026-01, 6-15-2026)

Sec. 58-92. 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 judgment of the superintendent. A permit and inspection fee as specified in the city fee schedule 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 division.

(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 permits 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 11-13-2000, § 2.9)

Sec. 58-93. Pretreatment of wastewater.

(a) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 58-84 with the time limitations specified by EPA, the state, or the 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 division.

(b) *Additional pretreatment measures.*

(1) 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 division.

(2) 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.

(3) Grease, oil, and sand interceptors shall be provided in accordance with the requirements outlined in subsection (e) of this section 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 uses. All interception units shall be of a 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.

(4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(5) 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 accessible 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 his expense and shall be maintained by the industrial users 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.

(c) *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. 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:

(1) Description of discharge practices, including nonroutine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the pretreatment coordinator of any accidental or slug discharge, as required by section 58-96(f);

(4) 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;

(5) 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.

(d) *Hauled wastewater.*

(1) 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 this division or any other requirements established by the city.

(2) 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 division.

(3) 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.

(4) 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.

(e) *Commercial wastewater pretreatment.*

(1) Requirements for installation of a sand and oil/grease interceptor shall be as follows:

a. 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 58-84(17), 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.

b. 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.

c. The requirements of this section shall not apply to private living quarters or dwelling units.

(2) Design criteria for required sand and oil/grease interceptors at restaurants and other eating establishments shall be as follows:

a. All interceptors shall have a capacity of 15 gallons per seat.

b. No grease trap shall be smaller than 1,500 gallons nor larger than 3,000 gallons.

c. All sand and oil/grease interceptors shall be sized, located and constructed in accordance with the plumbing code, adopted by the city, city specifications, and/or approved by the city.

(3) Design criteria for required sand and oil/grease interceptors for establishments other than eating establishments shall be as follows:

a. 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.

b. Flow through velocities shall not exceed one foot per second at the peak eight-hour flow rate.

(4) Maintenance requirements.

a. 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.

b. All grease, oil, and sand interceptors or traps shall provide continuous efficient operation.

c. 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.

d. At a minimum, grease, oil, and sand interceptors or traps shall be maintained at the following intervals:

1. Monthly for establishments serving an average of 200 or more customers per day;

2. Quarterly for establishments serving an average of 100—200 customers per day;

3. Every six months for establishments serving an average of 100 or fewer customers per day; and

4. Or a schedule set forth by the pretreatment coordinator.

e. 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:

1. Generator information.

(i) Name and physical address of facility;

(ii) Volume of waste pumped;

(iii) Date and time of pumping activity;

(iv) Signature of authorized representative.

2. Transporter information.

(i) Name and address of hauler;

(ii) Permit number;

(iii) Name and signature of driver.

3. Receiver information.

(i) Name and physical address of facility;

(ii) Permit number;

(iii) Volume of waste received;

(iv) Date and time waste was received;

(v) Signature of authorized representative.

(Ord. of 5-9-1988, § IX; Ord. of 11-13-2000, § 3; Ord. No. 2014-11, 10-6-2014)

Sec. 58-94. Wastewater discharge permit—Application.

(a) *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.

(b) *Permit requirements.*

(1) 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 subsection (c) of this section may continue to discharge for the time period specified therein.

(2) The pretreatment coordinator may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 58-100 through 58-102.

(4) 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.

(c) *Permitting for existing connections.* Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance from which this division is derived 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 subsection (e) of this section, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of the ordinance from which this division is derived except in accordance with a wastewater discharge permit issued by the pretreatment coordinator.

(d) *Permitting for 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 subsection (e) of this section, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

(e) *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:

(1) All information required by section 58-96(a)(2);

(2) 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;

(3) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(4) Each product produced by:

a. Type;

b. Amount;

c. Process; and

d. Rate of production;

(5) Type and amount of raw materials processed (average and maximum per day);

(6) 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;

(7) Time and duration of discharges; and

(8) 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.

(f) *Application signatories and certification.*

(1) 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 ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person who manages 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."

(2) Permit application and user report certification statements must be signed as follows:

a. By a responsible corporate officer, defined as follows:

1. 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

2. 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;

b. By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively;

c. By a duly authorized representative of the individual designated in subsections (f)(2)a and (f)(2)b of this section if:

1. The authorization is made in writing by the individual described in subsections (f)(2)a and (f)(2)b of this section;
2. 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
3. The authorization is submitted to the city.

(g) *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.

(Ord. of 5-9-1988, § VIII(a)—(c); Ord. of 11-13-2000, § 4)

Sec. 58-95. Same—Issuance process.

(a) *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 of 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.

(b) *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.

(1) Wastewater discharge permits must contain:

a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with subsection (e) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits based on applicable pretreatment standards;

d. Self-monitoring, sampling, reporting, notification, and recordkeeping 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

e. 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.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

b. 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;

c. 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;

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;

g. 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

h. Other conditions as deemed appropriate by the pretreatment coordinator to ensure compliance with this division, and state and federal laws, rules, and regulations.

(c) *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.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) 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.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(4) 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.

(5) 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.

(d) *Permit modification.* The pretreatment coordinator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) 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;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;

(5) Violation of any terms or conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(e) *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:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) 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.

(f) *Permit revocation.* The pretreatment coordinator may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the pretreatment coordinator of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the pretreatment coordinator of changed conditions pursuant to section 58-96(e);

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the pretreatment coordinator timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division.

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.

(g) *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 58-94(e), a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.

(h) *Regulation of waste received from other jurisdictions.*

(1) 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.

(2) Prior to entering into an agreement required by subsection (h)(1) of this section, the pretreatment coordinator shall request the following information from the contributing municipality:

a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

b. An inventory of all users located within the contributing municipality that are discharging to the POTW; and

c. Such other information as the pretreatment coordinator may deem necessary.

(3) An intermunicipal agreement, as required by subsection (h)(1) of this section, shall contain the following conditions:

a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this division and local limits which are at least as stringent as those set out in section 58-87. 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;

b. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

c. 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;

d. 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;

e. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

f. Requirements for monitoring the contributing municipality's discharge;

g. 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

h. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(Ord. of 5-9-1988, § VIII(d), (e); Ord. of 11-13-2000, § 5)

Sec. 58-96. Reporting requirements.

(a) *Baseline monitoring reports.*

(1) 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 (a)(2) of this section. 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 (a)(2)a through (a)(2)e of this section. A new source shall report on 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.

(2) Users described in subsection (a)(1) of this section shall submit the following information:

a. Identifying information. The name and address of the facility, including the name of the operator and owner;

b. Environmental permits. A list of any environmental control permits held by or for the facility;

c. Description of operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operations 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;

d. 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);

e. Measurement of pollutants.

1. The categorical pretreatment standards applicable to each regulated process;

2. The results of sampling and analysis identifying 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 subsection (j) of this section;

3. Sampling must be performed in accordance with procedures set out in subsection (k) of this section;

f. 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;

g. 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 subsection (b) of this section;

h. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with section 58-94(f).

(b) *Compliance with schedule progress reports.* The following conditions shall apply to the compliance schedule required by subsection (d) of this section:

(1) 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);

(2) No increment referred to in subsection (b)(1) of this section shall exceed nine months;

(3) 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

(4) In no event shall more than nine months elapse between such progress reports to the pretreatment coordinator.

(c) *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 (a)(2)d through (a)(2)f of this section. 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 58-94(f).

(d) *Periodic compliance reports.*

(1) 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 58-94(f).

(2) 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.

(3) 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 subsection (k) of this section, the results of this monitoring shall be included in the report.

(e) *Reports of changed conditions.* Each user must notify the pretreatment coordinator of any significant changes planned 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.

(1) 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 58-94(e).

(2) The pretreatment coordinator may issue a wastewater discharge permit under section 58-94(g) or modify an existing wastewater discharge permit under section 58-95(d) in response to changed conditions or anticipated changed conditions.

(3) 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.

(4) 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.

(f) *Reports of potential problems.*

(1) 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, which 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.

(2) Within five days following such discharge, the user shall, unless waived by the pretreatment coordinator, submit a detailed written report describing the cause 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 division.

(3) 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 (f)(1) of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(g) *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.

(h) *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 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.

(i) *Notification of the discharge of hazardous waste.*

(1) 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 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 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:

a. An identification of the hazardous constituents contained in the wastes;

b. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

c. 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 subsection needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection (e) of this section. The notification requirement in this subsection does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c), and (d) of this section.

(2) Dischargers are exempt from the requirements of subsection (i)(1) of this section 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.

(3) 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.

(4) 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.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued thereunder, or any applicable federal or state law.

(j) *Analytical requirements.* All pollutants 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 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 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.

(k) *Sample collection.*

(1) Except as indicated in subsection (k)(2) of this section, 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. All wastewater monitoring samples, required by the city, shall be tested by an independent Georgia certified laboratory for the parameters required, with the results submitted to the city on the original laboratory report sheets.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. All measurement, test, in house monitoring analyses of the characteristics of wastewaters shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, or in accordance with any applicable EPA testing procedure of general acceptance in the chemical testing industry, however, all such analyses shall be determined in accordance with the requirements of 40 CFR 136, in which requirements shall prevail in the event of conflict.

(3) All pretreatment plants shall be operated by an individual with a minimum Georgia Certified Wastewater Industrial Operator License.

(l) *Timing.* Written reports will be deemed to have been submitted on the postmarked date. 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.

(m) *Recordkeeping.* Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include:

(1) The date, exact place, method, and time of sampling, and the name of the person taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques or methods used;

(5) Preservative used to protect the samples; and

(6) 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 5-9-1988, §§ VI, XI; Ord. of 11-13-2000, § 6; Ord. No. 2014-11, 10-6-2014; Ord. No. 2026-01, 6-15-2026)

Sec. 58-97. Compliance monitoring.

(a) *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 division 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.

(1) Where a user has security measures in force which require proper identification and clearance before entry into the user's 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.

(2) 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.

(3) The pretreatment coordinator may require the user to install monitoring 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.

(4) 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 borne by the user.

(5) Unreasonable delays in allowing the city access to the user's premises shall be a violation of this division.

(b) *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 division, 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 division 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 5-9-1988, § XIII; Ord. of 11-13-2000, § 7; Ord. No. 2026-01, 6-15-2026)

Sec. 58-98. Confidential information.

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 11-13-2000, § 8)

Sec. 58-99. Publication of users in significant noncompliance; pretreatment violations.

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" means:

(1) 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;

(2) 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);

(3) 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;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercising its emergency authority to halt or prevent such a discharge;

(5) 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;

(6) 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;

(7) Failure to accurately report noncompliance; or

(8) Any other violations which the pretreatment coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. of 11-13-2000, § 9)

Sec. 58-100. Administrative enforcement remedies.

(a) *Notification of violation.* When the city finds that a user has violated, or continues to violate, any provision of this division, 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 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.

(b) *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 subsections (d) and (e) of this section and shall be judicially enforceable.

(c) *Show cause hearing.* The city may order a user which has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the city council at a regular or called meeting 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.

(d) *Compliance orders.* When the city finds that a user has violated, or continues to violate, any provision of this division, 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.

(e) *Cease and desist orders.* When the city finds that a user has violated, or continues to violate, any provision of this division, 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:

(1) Immediately comply with all requirements; and

(2) 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.

(f) *Administrative fines.*

(1) When the city finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may fine such user in an amount established by the Master Fee Schedule. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term discharge limits, fines shall be assessed for each day during the period of violation.

(2) 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 1½ percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(3) 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 accrued 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.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(g) *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.

(1) 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 subsection (h) of this section are initiated against the user.

(2) 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 subsection (c) or (h) of this section.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(h) *Termination of discharge.* In addition to the provisions in section 58-95(f), any user who violates the following conditions is subject to discharge termination:

(1) Violation of wastewater discharge permit conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

(5) Violation of the pretreatment standards in this division.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (c) of this section 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 5-9-1988, §§ XIV, XV; Ord. of 11-13-2000, § 10-; Ord. No. 2026-01, 6-15-2026)

Sec. 58-101. Judicial enforcement remedies.

(a) *Injunctive relief.* When the city finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city may petition the county superior court 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 division 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.

(b) *Civil penalties.*

(1) A user who has violated, or continues to violate, any provision of this division, 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 as established by the Master Fee Schedule on a per violation, per day basis. 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.

(2) 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.

(3) 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.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) *Criminal prosecution.*

(1) A user who willfully or negligently violates any provision of this division, 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 as established by the Master Fee Schedule, or imprisonment for not more than 180 days, or both.

(2) 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 as established by the Master Fee Schedule, 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.

(3) 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 division, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine as established by the Master Fee Schedule, or imprisonment for not more than 180 days, or both.

(4) In the event of a second conviction, a user shall be punished by a fine as established by the Master Fee Schedule, or imprisonment for not more than 180 days, or both.

(d) *Remedies nonexclusive.* The remedies provided for in this division 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 5-9-1988, § XVIII; Ord. of 11-13-2000, § 11; Ord. No. 2026-01, 6-15-2026)

Sec. 58-102. Supplemental enforcement action.

(a) *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 division, 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.

(b) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this division, 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.

(c) *Public nuisances.* A violation of any provision of this division, 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 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 11-13-2000, § 12)

Sec. 58-103. Affirmative defenses to discharge violations.

(a) *Upset.*

(1) An upset is an 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.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (a)(3) of this section are met.

(3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the user can identify the cause of the upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

c. 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):

1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Users will have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) 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 failed.

(b) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 58-84(a) or the specific prohibitions in section 58-84(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:

(1) 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

(2) 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.

(c) *Bypass.*

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

Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

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.

(2) *Exceptions.* 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 essential for maintenance to ensure efficient operation. These bypasses are not subject to the provisions of subsections (c)(3) and (c)(4) of this section.

(3) *Notices.*

a. 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.

b. 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:

1. A description of the bypass and its cause;

2. 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

3. 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.

(4) *Prohibition or approval of bypass.*

a. Bypass is prohibited, and the city may take an enforcement action against a user for a bypass, unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. 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 backup 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

3. The user submitted notices as required under subsection (c)(3) of this section.

b. 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 (c)(4)a of this section.

(Ord. of 11-13-2000, § 13)

Sec. 58-104. Wastewater treatment rates.

(a) *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 subsection (c) of this section. The term "high strength wastewater" means wastewater which contains pollutant concentrations that exceed the following surcharge threshold concentrations:

Parameter	Surcharge Threshold
BOD	300 mg/l
TSS	300 mg/l
Ammonia	35 mg/l

(b) *Fees for high strength wastewater.* When the concentrations of the surcharged parameters shown in subsection (a) of this section exceed the values of the constituents as set forth in the table in subsection (a) of this section, the excess concentrations shall be subject to a surcharge in the amount derived in accordance with the following formula:

Surcharge Formula	
$\frac{P \times G \times 8.34 \times C}{1{,}000}$	Equals dollars per month

Where:

;sz=9.5; P Is equal to the average concentration in mg/l of the parameter being evaluated (BOD or TSS) as established in accordance with subsection (c) of this section. The surcharge is for pollutants in excess of the amounts established by the city in accordance with subsection (e) of this section.

;sz=9.5; G Is equal to the user's monthly water consumption in thousands of gallons as determined in accordance with subsection (d) of this section.

;sz=9.5; 8.34 Is a conversion factor.

;sz=9.5; C Is equal to the unit cost in dollars per pound 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 subsection (e) of this section.

(c) *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 (c)(5) and (c)(6) of this section.

(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 users requested resampling shall be done at the user's expense. A reasonable cost shall be charged to the user by the city therefor.

(7) The surcharge rate shall be established based on an average concentration for each surchargable parameter identified in accordance with subsections (c)(1) through (c)(6) of this section. The average concentration will be used in the formula in subsection (b) of this section. Surcharge rates per unit mass will be established in accordance with subsection (e) of this subsection.

(d) *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 nonsewered 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.

(e) *Authority to collect fees.* The city has the authority to collect fees and surcharges necessary to implement this article. The city shall elsewhere maintain a list of fees and surcharges required under the terms of this article. 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 or the water resources director upon written request.

(Ord. of 11-13-2000, § 14; Ord. No. 2026-01, 6-15-2026)

Sec. 58-105. Pretreatment charges and fees.

(a) The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

(1) Fees for wastewater discharge permit applications including the cost of processing such applications;

(2) 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;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals; and

(5) Other fees as the city may deem necessary to carry out the requirements contained herein.

(b) These fees relate solely to the matters covered by this division and are separate from all other fees, fines, and penalties chargeable by the city.

(Ord. of 11-13-2000, § 15)

Secs. 58-106—58-123. Reserved.

DIVISION 3. STANDARD DEVELOPMENT SPECIFICATIONS

Sec. 58-124. Description and general requirements.

This section provides the requirements for furnishing and installing sewer pipe, precast concrete manholes, casings, service lines, railroad crossings, highway crossings, jack and bores, sewage lift stations, and related equipment and materials.

(1) *Sewer mains.* All sewer mains shall be eight-inch diameter pipe minimum. All sewer mains shall terminate at a manhole.

(2) *Service lines.* Service lines serving a single-family residence shall be four-inch or six-inch diameter pipe. Service lines serving multifamily units or large water using commercial establishments shall be six-inch diameter pipe, or larger. Each residential unit shall be served by a single service line that exclusively serves only one unit.

(3) *Street crossings.* All street crossings shall be by jack and bore unless expressly approved otherwise by the city in writing and shall be cased.

(4) *Small sewage lift stations (three horsepower pumps and smaller, serving no more than two residential or commercial units).* All small sewage lift stations, where required, shall be approved by the city on a case-by-case basis. The city will not accept ownership or operational responsibility of small sewage lift stations. At a minimum all small sewage lift stations shall comply with the following requirements:

a. A small sewage lift station serving a single residential property shall be equipped with a minimum of one solids-handling pump, including a check valve and gate valve.

b. A small sewage lift station serving two residential properties or any commercial unit(s) shall be equipped with dual solids-handling pumps, with each pump having its own check valve and gate valve.

c. Dual solids-handling pumps, each pump having its own check and gate valve.

d. Hand and automatic operation of both pumps.

e The pumps shall operate on the lead-lag principal.

f. The pumping system shall have audio and visual high level alarms.

g. The access hatch for all sewage lift stations shall be three inches or greater aboveground surface elevation.

h. The developer and/or property owner shall maintain ownership and operational responsibility for all small sewage lift stations.

i. Small sewage lift station force mains shall be pressure tested.

(Ord. of 3-8-2004; Res. of 11-13-2006(2), exh. A(IV)(A); Ord. No. 2026-01, 6-15-2026)

Sec. 58-125. Submittals.

The developer shall submit drawings and product data conforming to the requirements of these specifications for all proposed sanitary sewers and appurtenances. Plans should meet the appropriate requirements specified in this division. In addition to plans, the following forms and letters must be submitted to the city for each gravity sewer, force main and pump station submittal:

(1) Provide a sanitary sewer extension submittal form that is signed by the mayor or city clerk. The engineering consultant must not sign the form;

(2) Verify whether the project is within the city limits. Provide a report of technical review prepared by the Soil and Water Conservation District (project is within the city limits), or a state-waters-determination letter from EPD indicating whether state waters are present on the project site (project is under county jurisdiction);

(3) Provide a letter indicating that the city has adequate transport and treatment capacity to treat wastewater from this project and is willing to accept the project wastewater. Also, that the city will ensure that all provisions of the applicable erosion and sedimentation control programs will be enforced;

(4) Provide a letter indicating that according to the records of the city none of the sewers, services, or any other utilities associated with the project is to be constructed on a solid waste landfill.

(Res. of 11-13-2006(2), exh. A(IV)(B))

Sec. 58-126. Materials.

(a) *Gravity sewer mains.* A gravity sewer is a pipe that transports wastewater from a lateral to an interceptor. A gravity sewer is a minimum of eight inches in diameter or greater and/or contains manholes. All gravity sewer mains shall be eight-inch diameter pipe minimum. All sewer mains shall terminate at a manhole. All sewer mains shall be designed to maintain a minimum flow velocity of two feet per second or greater when flowing one-half full based on Kutter's formula using an "n" value of 0.013. The following are the minimum slopes which shall be provided; however, slopes greater than these are desirable:

Sewer Size (in inches)	Minimum Slope (in feet per 100 feet)
8	0.50
10	0.40
12	0.30
15	0.20
16	0.20
18	0.18
21	0.14
24	0.10
27	0.10
30	0.10
36	0.10

These minimum slopes shall be used only when sufficient flows are expected to maintain a velocity of more than two feet per second and maintain a cleansing action in the line. Sewers shall be laid with uniform slope between manholes. Sewers on 20 percent slope or greater shall be ductile iron pipe and shall be anchored securely with concrete anchors (see standard details) to prevent displacement by erosion or shock. Maximum slope of sewers shall be 30 percent and sewers shall be designed at less than 20 percent whenever possible.

(b) *Service laterals.* A lateral is an extension from a building drain to a public sewer. A lateral is less than eight inches in diameter, does not contain manholes, may contain cleanouts and is less than 250 feet in length. A lateral should be installed in accordance with the state plumbing code. Service laterals serving a single-family residence shall be four- or six-inch diameter pipe. Service laterals serving multifamily units or large water using commercial establishments shall be six-inch diameter pipe, or larger. Each residential unit shall be served by a single service line that exclusively serves only one unit.

(c) *Interceptors.* An interceptor is a large sewer that is used to intercept a number of main sewers and convey the wastewater to a wastewater treatment facility.

(d) *Street crossings.* All street crossings shall be ductile iron pipe (DIP) and by jack and bore unless expressly approved otherwise by the city in writing and shall be cased.

(e) *Small sewage lift stations (three horsepower pumps and smaller, serving no more than two residential or commercial units).* All small sewage lift stations, where required, shall be approved by the city on a case-by-case basis. The city will not accept ownership or operational responsibility of small sewage lift stations. At a minimum all small sewage lift stations shall have the following:

(1) Dual solids-handling pumps, each pump having its own check and gate valve;

(2) Hand and automatic operation of both pumps;

(3) The pumps shall operate on the lead-lag principal;

(4) The pumping system shall have audio and visual high-level alarms;

(5) The access hatch for all sewage lift stations shall be three inches or greater aboveground surface elevation;

(6) The developer and/or property owner shall maintain ownership and operational responsibility for all small sewage lift stations;

(7) Small sewage lift station force mains shall be pressure tested.

(Res. of 11-13-2006(2), exh. A(IV)(C)- Ord. No. 2026-01, 6-15-2026)

Sec. 58-127. Large sewage lift stations.

See section 58-255.

(Res. of 11-13-2006(2), exh. A(IV)(D))

Sec. 58-128. Pipe materials.

(a) *Polyvinyl chloride (PVC) pipe.*

(1) PVC sewer pipe and fittings shall be plastic gravity sewer pipe with integral wall bell and spigot joints for the conveyance of domestic sewage. Pipe and fittings six inches in diameter, and larger, shall meet

extra strength minimum of SDR-26 of the requirements of ASTM D3034-73. Four-inch sewer pipe shall be schedule 40, nonpressure pipe. Minimum wall thickness shall be as follows:

Pipe Diameter (in inches)	Wall Thickness (in inches)
6	0.241
8	0.323
10	0.404
12	0.481

(2) Each length of pipe shall be marked with the manufacturer's name, trade name, nominal size, class, hydrostatic test pressure, manufacturer's standard symbol to signify it was tested, and date of manufacture. Each rubber ring shall be marked with the manufacturer's identification, the size, the year of manufacturer and the classes of pipe with which it can be used.

(3) Under no circumstances shall PVC pipe be installed above ground. PVC pipe shall have a minimum three feet of cover and a maximum 12 feet of cover.

(4) Mylar marking tape and detection wire should be installed one foot above all nonferrous pipe and properly connected to fittings and valves so that the sewer line can be located with a pipe detector after burial. In the alternative, 14 gauge minimum stranded solid or braided coated wire shall be installed above all nonferrous pipe and properly connected to fittings and valves so that the sewer line can be located with a pipe detector after burial.

(b) *Ductile iron pipe (DIP).* Ductile iron pipe and fittings shall conform to the requirements of ANSI A21.51 (centrifugally cast in metal or sand lined molds). Pipe shall be pressure class 350. The pipe shall be standard cement lined and seal coated with approved bituminous seal coat in accordance with ANSI A21.4. In general, the following conditions require the use of ductile iron pipe and fittings:

(1) A sewer line crossing a road under pavement or within the roadbed shall be DIP and shall be cased ditch line to ditch line. SDR-26 PVC pipe may be used under streets where the sewer line parallels the street;

(2) A sewer line outside the roadbed that has less than three feet of cover;

(3) All sewer lines that have greater than 12 feet of cover;

(4) All stream crossings shall be DIP and cased.

(c) *High-density polyethylene (HDPE) pipe.* High-density polyethylene pipe and fittings shall be made of high density, high molecular weight polyethylene pipe material meeting the requirements of type III, class C, category 5, grade P34, as defined in ASTM D1248 Standard Specification for Polyethylene Plastics Molding and Extrusion Materials. Mylar marking tape should be installed two feet below ground level and detection wire should be installed one foot above all nonferrous pipe and properly connected to fittings and valves so that the sewer line can be located with a pipe detector after burial.

(Res. of 11-13-2006(2), exh. A(IV)(E))

Sec. 58-129. Joint materials.

(a) *Joints between DIP.* Ductile iron pipe shall be of bell and spigot type with push-on joints, conforming to ANSI A21.11 (AWWA C111).

(b) *Joints between PVC.* PVC pipe shall be jointed with a rubber or PVC ring or gasket designed to prevent inflow or exflow. Mechanical compression joints or molded plastic or similar material (with or without the use of rubber or elastic plastic compressions rings) as described as ASTM C-425 for polyvinyl chloride (slip joint) precast joints or rubber push-type gaskets for compressions joint sealing (ASTM D3312 or F477) are all acceptable. PVC pipe shall not be joined by a solvent cement joint in which the pipe spigot wedges into the tapered socket and the surfaces fuse together.

(c) *Joints between HDPE.* HDPE pipe shall be joined by bell and spigot gasket style or thermal weld type connections in accordance with manufacturer's recommendations and shall show no sign of leakage. In the case of gasket type, all surfaces of the joint upon which the gasket may bear shall be smooth and free of such imperfections, ridges, fractures or cracks that could adversely affect sealability.

(d) *Joints between sewer pipes of different materials.* Transition joints between sewer pipes of different materials shall be accomplished by the use of adapters made especially for that purpose. The transition between clay pipe and cast-iron pipe shall be by clay double bell cast iron adapters with compression joints conforming to ASTM C425, latest edition.

(Res. of 11-13-2006(2), exh. A(IV)(F))

Sec. 58-130. Precast concrete manholes.

(a) Precast concrete manholes shall consist of precast reinforced concrete sections, a conical, eccentrical, or flat slab top section, and a base section.

(b) Precast manhole sections shall be manufactured, tested, and marked in accordance with the latest provision of ASTM C478.

(c) Joints of the manhole sections shall be of the tongue-and-groove type. Sections shall be joined using O-ring rubber gaskets, flexible plastic gaskets conforming to the applicable provisions of ASTM C443, latest revision, or an approved bituminous mastic joint material. In addition, the inside joint shall be sealed with cement mortar using one part Portland cement to two parts clean sand, meeting ASTM C144, latest revision.

(d) Each section of the precast manhole shall have not more than two holes for the purpose of handling and laying. These holes shall be tapered and shall be plugged with mortar after installation.

(e) Manhole steps conforming to the applicable provisions of ASTM C478, latest edition, shall be manufactured as one-piece, ferrous casting or plastic-coated steel and shall be factory built into the precast sections.

(f) Holes in precast bases to receive sewer pipe shall be precast at the factory at the required locations and heights. Knocking out of holes in the field will not be permitted. All manholes shall have Kor-N-Seal (or equal) rubber boots for all pipe entries/exits and also sealed with cement.

(g) Manhole base and inverts shall be constructed of 2,500 psi concrete and inverts shall have the same cross section as the invert of the sewers which they connect. The manhole base and invert shall be carefully formed to the required size and grade by gradual and even changes in sections. Changes in direction of flow through the sewer shall be made to a true curve with as large a radius as the size of the manhole will permit.

(h) Brickwork required to complete the precast concrete manhole shall be constructed using one part Portland cement to two parts clean sand, meeting ASTM C144, thoroughly mixed to a workable plastic mixture. Brickwork shall be constructed in a neat and workmanlike manner.

(i) The cast iron frame for the manhole cover shall be set at the required elevation and properly anchored to the masonry. Frames and covers shall be Vulcan VM-3MOD or equal. Where manholes are constructed in paved areas, the top surface of the frame and cover shall be titled to conform to the exact slope, crown and grade of the existing adjacent pavement. Sanitary sewer manhole covers shall conform to the applicable

portions of ASTM C478 and D410. Bolt-down manhole covers shall be used for all manholes located within the 100-year floodplain.

(j) Masonry work shall be allowed to set for a period of not less than 24 hours. Outside forms, if any, then shall be removed and the manhole backfilled and soil compacted. All loose or waste material shall be removed from the interior of the manhole. The manhole cover then shall be placed and the surface in the vicinity of the work cleaned off and left in a neat and orderly condition.

(k) The distance between manholes should be 400 feet or less for sewers up to 15 inches in diameter, or 500 feet or less for sewers larger than 18 inches in diameter.

(l) The elevation drop between the inlet and outlet pipe inverts shall be a minimum of 0.2 feet.

(Res. of 11-13-2006(2), exh. A(IV)(G))

Sec. 58-131. Casings.

(a) Steel casing pipe shall be used for all cases of piping where the carrier pipe is eight inches or greater in size. PVC casing may be utilized for six-inch and four-inch service laterals.

(b) Steel casing pipe shall have a minimum yield strength of 35,000 psi and shall conform to the requirements of ASTM A139. It shall be exterior coated with a coal tar coating. The casing pipe diameter shall be six to eight inches greater than the "bell" diameter of the carrier pipe. Minimum wall thickness shall be as follows:

Nominal Diameter (in inches)	Nominal Thickness (in inches)
Under 14	0.188
14	0.219
16	0.219
18	0.250
20	0.281
22	0.312
24	0.344

(c) PVC casing pipe, if approved by the city, shall meet or exceed the strength characteristics described in ASTM A139, section IV.C.1. for PVC carrier pipe.

(Res. of 11-13-2006(2), exh. A(IV)(H))

Sec. 58-132. Bedding methods.

(a) Class A, B, and C bedding methods are allowed by the city while the class D bedding method is not allowed. Bedding methods must comply with the applicable sections of ASTM C12. Each method is described as follows:

(1) Class A bedding method: Complete concrete encasement.

(2) Class B bedding method: The sewer pipe is installed on a compacted bed of granular material six inches thick. Additional compacted granular material is added around the pipe up to the spring line, or centerline. Next, additional compacted granular material is added to completely encase the pipe to a depth of 12 inches above the pipe crown.

(3) Class C bedding method: The sewer pipe is installed on a six-inch deep compacted bed of granular material and then an additional granular material up to spring line is added.

(4) Class D bedding method: The sewer pipe is installed on either four inches of compacted trench backfill or natural undisturbed soil. This method is not allowed.

(b) Trench backfill installed above the bedding must comply with ASTM C12, section II.Q.

(Res. of 11-13-2006(2), exh. A(IV)(I))

Sec. 58-133. Installation of sewer pipe.

(a) Pipe and accessories shall at all times be handled with care to avoid damage. Whether moved by hand, skidways or hoists, material shall not be dropped or bumped. The interior of all pipe shall be kept free from dirt and foreign matter at all times. Each pipe joint shall be unloaded opposite or near the place where it is to be laid in the trench.

(b) All such material that is defective in manufacture or has been damaged in transit or after delivery shall be removed from the job site.

(c) Sewer pipes shall be joined by push-on joints using elastomeric gaskets to affect the pressure seal. The ends of pipe to be jointed and the gaskets shall be cleaned immediately before assembly, and the assembly shall be made as recommended by the pipe manufacturer. Lubricant used must be nontoxic and supplied or approved for use by the pipe manufacturer. Sewer pipes shall be laid in the uphill direction with the bells pointing upgrade. Any variation from this procedure shall require approval from the city.

(d) When pipe laying is not in progress, the open ends of installed pipe shall be plugged by approved means to prevent entrance of trench water into the line.

(e) No special laying conditions are required for ductile iron pipe (DIP) other than haunching and soil compaction to 12 inches above the spring line for DIP laid under pavement, and any other conditions which are stipulated elsewhere in these specifications. Granular bedding material shall be used under DIP in poor soil (e.g., wet, swampy, etc.) to stabilize the subgrade.

(f) The following laying conditions shall be followed with PVC pipe:

(1) By embedding PVC pipe in sand or graded gravel, no special compaction requirements will be necessary. However, the sand or gravel must extend from six inches below the pipe to twelve inches above the pipe and the material must be firmly placed under the pipe haunches.

(2) When embedding PVC pipe in friable, compressible soils (e.g., silt, clay, sandy clay, silty clays, etc.), special care must be exercised to provide a uniform (undisturbed or fully compacted) trench bottom. Additionally, the backfill must be compacted to 95 percent standard proctor in six-inch to eight-inch lifts to 12 inches above the top of the pipe.

(g) Bell holes shall be provided of sufficient size to allow ample room for making the pipe joints properly. The bottom of the trench between bell holes shall be carefully graded so that the pipe barrel will rest on a solid foundation for its entire length as shown on the plans. Each joint shall be laid so that it will form a close concentric joint with adjoining pipe and in order to avoid sudden offsets or inequalities in the flow line.

(h) Water shall not be allowed to run or stand in the trench before the trench has been backfilled. The developer at no time shall open up more trench than his available pumping facilities are able to dewater.

(i) Any sewer pipe which has its alignment, grade or joints disturbed after laying shall be removed and relaid.

(Res. of 11-13-2006(2), exh. A(IV)(J))

Sec. 58-134. Connections.

(a) *Service connections generally.*

(1) A sewer service stub out with plugged stub and cleanout (see service lateral detail, S11, sheet 2 of 2) shall be provided for every existing or proposed lot or building. All services shall be shown on the construction drawings. Wye branches of the same material as the collector sewer shall be installed on the collector sewer lines at the locations shown on the construction drawings for each service connection. A single service stub shall be provided for each residence being served. The service stub shall extend from the wye to the property line of the lot being served.

(2) The developer shall be responsible for serving all lots developed. On any lot where the service stub cannot be found, the developer shall install or be responsible for payment of the cost of installation of the service stub. Also, unless otherwise noted on the final plat, the service stub shall be low enough to serve the first ground level floor elevation, and where grades permit it shall be low enough to serve the basement.

(3) For new construction, the developer shall be responsible for the location of the service line and checking its elevation prior to the pouring of the foundation, driveway or other appurtenance. The city will not be responsible for any house built too low to be served nor for any service covered by construction.

(4) Riser connections shall be installed on service lines which are greater than nine feet deep.

(5) Service stubs shall be laid in compacted or undisturbed soil from the main sewer to the property line. The slope shall be two percent or greater. All house or service lines not immediately connected to a service stub shall be located and marked in the same manner as described for plugged stubs in subsection (b) of this section.

(6) No plumber or developer will be allowed to make a tap onto the city sewage system without prior approval.

(7) All service connections shall include a cleanout pursuant to the city standard detail.

(b) *Plugged stubs.*

(1) All service lines extending from collector sewers must utilize a plugged stub at the termination point.

(2) Service lines shall be plugged with an airtight, removable plastic plug.

(3) The precise location of each plugged stub shall be indicated on the as-built plans to the nearest foot and marked in the field with a wooden stake.

(c) *Service connections where plugged stub not provided.*

(1) Connections to existing sewer lines where no plugged stub exists shall be made by removing a section of the sewer from the existing line and inserting, in the space, a wye branch of proper size, or by the construction of a manhole.

(2) Connections to existing manholes where no plugged stub exists shall be made by neatly cutting a hole in the wall of the existing structure with a coring machine at or near its invert, inserting a length of sewer pipe into the hole, and securing with a flexible rubber boot and cementing inside and out.

(Res. of 11-13-2006(2), exh. A(IV)(K))

Sec. 58-135. Relationship to water lines.

(a) The following clearances from water pipes shall be maintained:

(1) Ten feet horizontal distance between sewer and water main for parallel installation;

(2) Eighteen inches vertical distance for water main and sewer crossings.

(b) The city may allow parallel installation of a sewer line closer than ten feet to a water line, provided that the water main is in a separate trench or on an undisturbed earth shelf located on one side of the sewer and at an elevation so the bottom of the water main is at least 18 inches above the top of the sewer.

(c) For sewer and water main crossings the crossing shall be arranged so that the sewer joints will be equidistant and as far as possible from the water main joints. Where a water main crosses under a sewer, adequate structural support shall be provided for the sewer (e.g., concrete encasement).

(Res. of 11-13-2006(2), exh. A(IV)(K))

Sec. 58-136. Sediment and erosion control.

(a) See chapter 22, article II.

(b) The city shall have personnel on call for consultation regarding the implementation and maintenance of erosion and sedimentation controls. Contact information regarding such on-call personnel is available on the city's website or from the office of the city clerk.

(Res. of 11-13-2006(2), exh. A(IV)(M))

Sec. 58-137. Sewage bypassing.

The bypassing or raw wastewater onto the ground or into a receiving stream is expressly prohibited.

(Res. of 11-13-2006(2), exh. A(IV)(N))

Sec. 58-138. Deflection test (using a mandrel).

All PVC pipe must pass a 7.5 percent deflection test as follows: Not before 30 days after pipe is laid and backfill placed, unless otherwise approved by the city inspector, the developer shall, in the presence of the city inspector, test the pipe for deflection using a mandrel test procedure complying with the applicable sections of ASTM D3034, ASTM F679 or ASTM D2122. A mandrel, sized to permit up to 7.5 percent deflection, shall be used. The sequence for testing is as follows:

(1) Completely flush the line making sure the pipe is clean of any mud or debris that would hinder the passage of the mandrel.

(2) During the final flushing of the line, attach a floating block or ball to the end of the mandrel pull rope and float the rope through the line.

(3) After the rope is threaded through the line, connect the pull rope to the mandrel and place the mandrel in the entrance of the pipe.

(4) Connect a retrieval rope to the back of the mandrel to pull it back if necessary.

(5) Remove all the slack in the pull rope and place a tape marker on the rope at the ends of the pipe where the mandrel will exit, determining the location of the mandrel in the line.

(6) Draw mandrel through the sewer line.

(7) If a section with excessive deflection is found:

a. Locate it;

b. Dig down and uncover the pipe;

c. Inspect the pipe, if any damaged pipe is found, replace it;

d. If pipe is not damaged, replace and thoroughly tamp the haunching and initial backfill;

e. Replace remainder of backfill.

(Res. of 11-13-2006(2), exh. A(IV)(O))

Sec. 58-139. Low-pressure air leakage test.

(a) Prior to making any house connections, the developer shall test the entire sewer and appurtenances for leakage by testing with low pressure air in accordance with ASTM F1417.

(b) All wyes, tees, and service laterals shall be plugged with flexible joint caps, or acceptable alternate, securely fastened to withstand the internal test pressures. Such plugs or caps shall be readily removable, and their removal shall provide a socket suitable for making a flexible jointed lateral connection or extension.

(c) Immediately after pipe cleaning, the pipe shall be tested, as follows:

(1) Air shall be slowly supplied to plugged pipe installation until internal air pressure reaches 4.0 pounds per square inch (psi) greater than average back pressure of any groundwater that may submerge pipe. Regulate the air supply so that the pressure is maintained between 3.5 to 4.0 psi greater than groundwater backpressure.

(2) At least two minutes shall be allowed for temperature stabilization before proceeding further. The pressure will normally drop slightly until equilibrium is obtained; however, a minimum of 3.5 psi above groundwater pressure should be maintained.

(3) Disconnect the air supply and decrease the pressure to 3.5 psi above groundwater pressure. Measure the time that it takes for the pressure in the pipe to drop from 3.5 to 2.5 above groundwater pressure and compare this interval to the minimum holding time requirement in the table below for the pipe diameter and pipe length being tested.

(d) The pipe line shall be considered acceptable when tested at an average pressure of 3.0 psi greater than average back pressure of any groundwater that may submerge pipe for duration of the test time shown in the table in this subsection:

Minimum specified time required for all 0 psig pressure drop for size and length of pipe indicated for kQ = 0.0015

Pipe Diameter, in.	Minimum Time, mins.	Length for Minimum Time, ft.	Time for Longer Length, sec.	100 ft.	150 ft.	200 ft.	250 ft.	300 ft.	350 ft.	400 ft.	450 ft.
4	3:46	597	0.380 L	3:46	3:46	3:46	3:46	3:46	3:46	3:46	3:46
6	5:40	398	0.854 L	5:40	5:40	5:40	6:40	5:40	5:40	5:42	6:24
8	7:34	298	1.520 L	7:34	7:34	7:34	7:34	7:36	8:52	10:08	11:24
10	9:26	239	2.374 L	9:26	9:26	9:28	9:53	11:52	11:51	15:49	17:48

12	11:20	199	3.418 L	11:20	11:20	11:24	14:15	17:05	19:56	22:47	25:38
15	14:10	159	5.342 L	14:10	14:10	17:48	22:15	28:42	311:09	35:36	40:04
18	17:00	133	7.692 L	17:00	19:13	25:38	32:03	38:27	414:52	51:16	57:41
21	19:50	114	10.470 L	19:50	26:10	34:54	43:37	52:21	68:00	69:46	78:31
24	22:40	99	13.674 L	22:47	34:11	45:34	56:58	68:22	79:46	91:10	102:33
27	25:30	88	17.306 L	28:51	43:16	57:41	72:07	86:32	100:57	115:22	129:48
30	28:20	80	21.366 L	35:37	53:25	71:13	89:02	106:50	124:38	142:26	160:15
33	31:10	72	25.852 L	43:05	64:38	86:10	107:43	129:16	150:43	172:21	193:53
36	34:00	66	80.768 L	51:17	76:55	102:34	128:12	153:50	179.29	205:07	230:46

Note—See Practice UNI-B-6-90.

Note—Consult with pipe and appurtenance manufacture for maximum test pressure for pipe size greater than 30 inches in diameter.

(e) If the pipe installation fails to meet the requirements in subsection (d) of this section, the developer shall determine the source or sources of leakage and shall repair or replace all defective materials or workmanship.

(Res. of 11-13-2006(2), exh. A(IV)(P))

Sec. 58-140. Negative air pressure (vacuum) test for manholes.

(a) Prior to making any house connections, the developer shall test all sanitary sewer manholes for leakage in accordance with ASTM C1244. This test method is used for testing concrete manhole sections utilizing mortar, mastic, or gasketed joints to test manholes for leakage after they have been backfilled. All lift holes and any pipes entering the manhole are to be plugged and a vacuum will be drawn within the manhole. The vacuum drop over a specified time period is used to determine the acceptability of the manhole.

(b) Prepare the manhole for test by making sure that all lift holes have been grouted in and that all pipes entering the manhole are temporarily plugged, taking care to securely brace the pipes and plugs to prevent them from being drawn into the manhole upon application of the vacuum.

(c) The test head shall be placed at the top of the manhole in accordance with the manufacturer's recommendation.

(d) A vacuum of ten inches of mercury is drawn on the manhole, the valve on the vacuum line of the test head closed, and the vacuum pump shut off. The time shall be measured for the vacuum to drop to nine inches of mercury.

(e) The manhole shall pass if the time for the vacuum reading to drop from ten inches of mercury to nine inches of mercury meets or exceeds the values indicated in the table in this subsection. If the manhole fails the initial test, necessary repairs shall be made, and the manhole shall then be retested until a satisfactory test is obtained.

Minimum Test Times for Various Manhole Diameter in Seconds					
	Diameter (in inches)				
	48	54	60	66	72
Depth (in feet)	*Time (in seconds)*				
8	20	23	26	29	33
10	25	29	33	36	41
12	30	35	39	43	49
14	35	41	46	51	57
16	40	46	52	58	67
18	45	52	59	65	73
20	50	53	65	72	81
22	55	64	72	79	89
24	59	64	78	87	97
26	64	75	85	94	105
28	69	81	91	101	113
30	74	87	98	108	121

(Res. of 11-13-2006(2), exh. A(IV)(Q))

Sec. 58-141. Grease traps.

(a) This article requires all sewer system users involved in the preparation of food for commercial purposes, and, any facility of any type that has the potential to discharge oil and grease above the city's discharge limit (currently 150 mg/l), shall provide oil/grease interceptors or traps. This requirement shall apply to all restaurants, cafeterias, fast food establishments, schools, and other facilities such as churches and medical centers where food may be prepared. All such grease traps shall meet the following requirements:

(1) All grease traps shall have a minimum volume of 1,000 gallons and a maximum volume of 3,000 gallons and shall be constructed in conformity with the standard development specifications, standard detail No. S12.

(2) Under-the-counter grease traps shall not be allowed.

(3) All grease traps shall include grease trap filters mounted on the effluent pipe. The grease trap filters must be certified in accordance with NSF/ANSI standard 46 or otherwise approved by the city. The grease trap filters must be removable for purposes of cleaning. The removal and cleaning of grease trap filters shall be the responsibility of the owner.

(b) Each length of pipe shall be marked with the manufacturer's name, trade name, nominal size, class, hydrostatic test pressure, manufacturer's standard symbol to signify it was tested, and date of manufacture. Each rubber ring shall be marked with the manufacturer's identification, the size, the year of manufacturer and the classes of pipe with which it can be used.

(c) Under no circumstances shall PVC pipe be installed above ground. PVC pipe shall have a minimum three feet of cover and a maximum 12 feet of cover.

(d) Mylar marking tape and detection wire should be installed one foot above all nonferrous pipe and properly connected to fittings and valves so that the sewer line can be located with a pipe detector after burial. In the alternative, 14 gauge minimum stranded solid or braided coated wire shall be installed above all nonferrous

pipe and properly connected to fittings and valves so that the sewer line can be located with a pipe detector after burial.

(e) Ductile iron pipe (DIP) and fittings shall conform to the requirements of ANSI A21.51 (centrifugally cast in metal or sand lined molds). Pipe shall be pressure class 350. The pipe shall be standard cement lined and seal coated with approved bituminous seal coat in accordance with ANSI A21.4. In general, the following conditions require the use of ductile iron pipe and fittings:

(1) A sewer line crossing a road under pavement or within the roadbed shall be DIP and shall be cased ditch line to ditch line. SDR-26 PVC pipe may be used under streets where the sewer line parallels the street;

(2) A sewer line outside the roadbed that has less than three feet of cover;

(3) All sewer lines that have greater than 12 feet of cover;

(4) All stream crossings shall be DIP and cased.

(f) High density polyethylene (HDPE) pipe and fittings shall be made of high density, high molecular weight polyethylene pipe material meeting the following conditions:

(1) Inlet connections shall be six inches or greater.

(2) Joints shall, in all cases, be mechanical joint (MJ) unless prior written approval is given by the engineer.

(3) The design of the hydrant shall be of the compression type main valves and O-ring seal between the operating nut and the bonnet.

(4) Openings shall be counterclockwise, unless specifically ordered otherwise.

(5) Painting of the hydrant shall be accomplished at the factory with enamel approved per AWWA specifications and shall conform to standard red in all cases, unless specified otherwise elsewhere herein or on the plans.

(6) The ground line flange shall be constructed so as to permit adding of extensions, replacing of upper barrel section, etc., without closing off the water supply.

(7) The operating nut shall be national standard 1½ inches, hexagon in shape.

(g) All dead-end lines must have an approved flushing device. A fire hydrant at the end of a line is an approved flushing device. For lines smaller than six inches, a flushing device shall be used equal to GIL Industries' Aquarius or Eclipse Truflo No. TF500 blow-off.

(Ord. of 5-9-1988, § X; Res. of 11-13-2006(2), exh. A(IV)(R); Res. of 3-10-2008, exh. A(IV)(R))

Sec. 58-142. Water meters.

(a) *Residential.* This item pertains to two-inch and smaller water meters (small meters). Small meters shall conform to the AWWA C700 (latest revision) and shall be the displacement nutating-disc type designed for complete frost protection whereas the bottom cast iron caps will yield under normal freezing conditions and thus, protect the interior working mechanism from damage. The bottom shall be enamel coated, unless otherwise shown on the plans. All residential water meters shall be five-eighths inch by three-fourths inch. Manufacture of all materials and assembly thereof for this item shall be within the continental United States and no foreign made meters will be allowed. All meters shall be radio read meters as manufactured by Neptune compatible with the city's radio read hardware and software.

(b) *Large water meters.* Water meters two inches and larger in size shall be compound meters per AWWA C702, latest revision.

(c) *Fire lines and irrigation water lines.* Water lines installed to provide flow to irrigation systems, fire sprinkler systems, fire hydrants, or any other fire prevention device located on the user's property may not be used for any purpose other than for irrigation and fire flows. All irrigation and fire lines installed after the date of adoption of the ordinance from which this section is derived shall be installed using a compound water meter in a meter vault near the edge of the right-of-way. Water lines for potable use or that will return spent wastewater to the sewer system shall be separately metered. All meters shall be radio read meters manufactured by Neptune (or approved equal) compatible with the city's radio read hardware and software. (Also see article V of this chapter.) Fire lines in existence prior to the adoption of the ordinance from which this division is derived which have indicator meters shall not be required to install a radio read meter or a compound meter, except as provided in subsection (d) of this section.

(d) *Indicator meters.* Any facility having a fire line served by an indicator meter shall use the fire line water only for fire flows or for fire flow tests. The city shall be notified seven days in advance of any fire flow tests. Usage of any water through a fire line with an indicator meter as indicated by the indicator meter, other than for bona fide fires or prenotified fire flow tests, shall be charged a user fee as established by the master fee schedule per month. Should any user have, in any six months out of any 12-month period, indicated usage through an indicator meter other than for bona fide fires or prenotified fire flow tests, then that user shall be required to install a compound meter in place of the indicator meter.

(Res. of 3-10-2008, exh. A(IV)(T); Ord. No. 2026-01, 6-15-2026)

Sec. 58-143. Meter boxes.

Cast iron meter boxes for meter sizes five-eighths inch, three-fourths inch and one inch shall be of the Rome-Type. The cover will contain, as a part of the casting, the word "Water" on its surface thereof. The box and cover shall be coated with coal tar pitch varnish, and its finish shall not be tacky or brittle when cold. Boxes for meter sizes larger than one inch shall be of the traffic-type, and will, in all respects, meet, as a minimum, the requirements set forth in this section for castings for meters one inch and smaller.

(Res. of 3-10-2008, exh. A(IV)(U))

Secs. 58-144—58-169. Reserved.

ARTICLE IV. STORM DRAINAGE

Sec. 58-170. Description.

This article provides the requirements for furnishing and installing storm drainage facilities, including reinforced concrete pipe, corrugated metal pipe, catch basins, drop inlets, manholes, junction boxes, curb inlets, drain inlets, special inlets, iron castings, and headwalls.

(Res. of 11-13-2006(2), exh. A(V)(A))

Sec. 58-171. Submittals.

The developer shall submit drawings and product data conforming to the requirements of these specifications for all pipe greater than 24 inches in diameter, precast concrete items, and castings. Approval of same shall be obtained from the city before any materials of this item may be delivered or erected at the jobsite.

(Res. of 11-13-2006(2), exh. A(V)(B))

Sec. 58-172. Materials.

(a) Unless a certain type of construction is specified by the city the various structures included in this section may be constructed of brick, cast in place concrete or precast concrete at the option of the developer. Rubble masonry may be used only when approved by the city.

(b) Iron castings.

(1) Cast iron for iron castings shall conform to the requirements of Class No. 30 cast iron of the latest ASTM A48, for gray iron castings.

(2) Castings shall be sound, smooth, clean and free from blisters and other defects. No plugging of defective castings will be permitted. All unfinished edges of castings shall be neatly cast with suitable rounded corners and all inside angles shall have ample fillets. Where required or called for on the plans, castings shall be machined smooth. Surfaces shall be finished to such smoothness and accuracy of dimensions as to ensure good workmanship when assembled. All castings shall be annealed to remove internal stress before being machined and shall have the mark number and heat number cast on them.

(3) All castings shall be cleaned of sand and scale by sandblasting or other effective methods so as to present a smooth, clean and uniform surface. After cleaning, the castings shall be coated with bituminous paint of such properties that a smooth finish is obtained, that is not tacky when warm and that is tough when cold.

(c) Reinforced concrete pipe shall meet ASTM C76 for class II, wall B pipe. Joints shall be tongue and groove compression gasket joints meeting ASTM C443.

(d) Corrugated metal pipe shall be fully bituminous coated. Joints for corrugated metal pipe, pipe arches and fittings shall be outside collars or coupling bands. Coupling bands shall have galvanized steel angles riveted near the ends and bolts through the angles to draw the bands tight.

Corrugated Metal Pipe Specifications		
Pipe Diameter (in inches)	Wall Thickness (Gauge)	Corrugations
12*	16	2⅔" × ½"
15*	16	2⅔" × ½"
18	16	2⅔" × ½"
21	16	2⅔" × ½"
24	14	2⅔" × ½"
30	14	2⅔" × ½"
36	12	2⅔" × ½"
42	12	2⅔" × ½"
48	12	3" × 1"
54	10	3" × 1"
60	10	3" × 1"

*12-inch and 15-inch may be used only under special circumstances.

(Res. of 11-13-2006(2), exh. A(V)(C))

Sec. 58-173. Construction of structures.

(a) *Poured-in-place units.* Construction details shall be shown on the detailed engineering plans.

(b) *Precast reinforced concrete units.*

(1) *Holes for pipe.* Each unit shall be cast with pipe holes of the specific number and dimensions necessary to incorporate the unit into the drainage system as shown on the plans. In the event conditions during installation require additional pipe for which no holes have been cast, the developer may make such holes provided he replaces or repairs any damaged units to the satisfaction of the owner.

(2) *Pipe connections.* Pipe shall be connected to units with either mortar or 3,000 psi concrete. There shall be no voids between the pipe and structure for the full in the structure wall.

(3) *Installation.* Installation is as follows:

a. Precast reinforced concrete units. Such units shall be set to within ;pm; one-half inch of grade on a bed of compacted sand bedding material which is approximately two to three inches thick.

b. Sectional precast reinforce concrete units. When such units are used to build up extra depth catch basins or drop inlets, the joints between sections shall be filled with mortar and all such joints shall be wiped smooth.

(c) *Brick construction.*

(1) Brickwork shall be constructed using one part of Portland cement to two parts clean sand, thoroughly mixed to workable plastic mixture. Not over 20 pounds of hydrated lime per sack of cement may be added. No retempered mortar shall be used. Brick shall be laid with mortar joints three-eighths-inch thick. The inside of the inlet shall be neatly finished with cement mortar one-half-inch thick.

(2) After the foundation has been prepared, the concrete bottom shall be constructed to the required line and grade. After the bottom has been allowed to set for a period of not less than 24 hours, the inlet shall be constructed thereon, care being exercised to form the outgoing sewer pipe into the wall of the inlet at the required elevation.

(d) *Iron castings.* Iron castings shall be installed as shown on the plans. All surfaces shall be accurately set to the line and grade and carefully leveled unless otherwise shown. Castings to be embedded in concrete shall be supported firmly and properly until the concrete has been placed around them and hardened. Castings to be embedded in brick masonry shall be inserted as the work progresses. Care shall be exercised in bolting castings to prevent misalignment or springing of any of the parts.

(Res. of 11-13-2006(2), exh. A(V)(D))

Sec. 58-174. Installing storm sewers.

(a) Excavation, backfilling and compaction shall be in accordance with normal acceptable standards and shall be in a neat and workmanlike manner.

(b) Pipe shall be inspected prior to installations in trench. No defective or damaged pipe shall be installed.

(c) Each pipe shall be clearly marked to show its class or gage, date of manufacture and name or trademark of the manufacturer.

(Res. of 11-13-2006(2), exh. A(V)(E))

Sec. 58-175. Pipe laying—Concrete pipe.

(a) Immediately prior to laying the pipe, all projections or irregularities that will prevent the joints from closing properly shall be removed.

(b) Concrete pipe shall be laid true to the grade on a bed which is uniformly firm throughout its entire length. If material in the bottom of the excavation is of such character as to cause unequal settlement along the length of the storm sewer or culvert, the material shall be removed below the grade given, to such depth as ordered and shall be backfilled with granular bedding material and thoroughly tampered or otherwise compacted to insure an unyielding foundation. Pipe shall not be laid upon the frozen ground.

(c) Pipe, unless otherwise provided or directed by the city, shall be laid beginning at the lower end and with the hubs of receiving ends upgrade.

(d) The pipe shall be protected from water during placing and until the mortar in the joints has thoroughly set.

(Res. of 11-13-2006(2), exh. A(V)(F))

Sec. 58-176. Same—Corrugated metal pipe and pipe arch.

(a) Corrugated metal pipe or pipe arch shall be laid true to line and grades on a bed which is uniformly firm throughout its entire length.

(b) Pipes shall be laid only on a foundation which is essentially free of water.

(c) The ends of sections shall be fully and closely jointed according to applicable standards and true to the lines and grades given. Each section or joint of pipe shall be securely attached to the adjoining section or joint of pipe with connecting bands or other approved type of joint. The bands or other type of joint shall be tightly drawn or connected so as to form a rigid joint.

(d) Any breaks in the bitumen or treatment of bituminous coated pipe shall be refilled with the type and kind of bitumen used in coating the pipe originally.

(e) The ends of pipe shall be rigidly supported to prevent any movement pending and during the construction of end supports.

(f) Any pipe which is not in true alignment, or which shows any settlement after laying or is damaged shall be taken up and relaid.

(Res. of 11-13-2006(2), exh. A(V)(G))

Sec. 58-177. Riprap.

(a) All stone for riprap shall be sound, durable pieces meeting the quality requirements of class "A" or "B" coarse aggregate and shall be resistant for use as riprap. Materials not meeting these requirements shall not be used unless approved by petrographic analysis. Flat, slabby, and shaley pieces are not acceptable. Stone for riprap shall be one of the following as called for on the plans:

(1) Stone dumped riprap. Stone for dumped riprap shall be processed in such a manner as to produce a quarry-run material including rock fines which will meet the gradation for the following two types:

a. Type 1. For severe drainage conditions or moderate wave action: The largest pieces of material shall have a maximum of two cubic feet. At least 35 percent of the mass shall be comprised of pieces which weigh 125 pounds or more.

b. Type 3. For general use normal drainage conditions, the largest pieces of material shall have a maximum approximate volume of one cubic foot. At least 35 percent of the mass shall be comprised of pieces which weigh 15 pounds or more.

c. The remainder of Type 1 or 3 shall be well graded down to the finest sizes. Rock fines shall comprise a maximum of ten percent of the total mass. Rock fines are defined as material passing through a No. 4 sieve.

(2) Stone for plain riprap (dumped and hand-placed). Stone for plain riprap shall be clean and essentially free of rock dust and fines. The material shall be processed such that the larges pieces have a volume of not more than two cubic feet and not more than ten percent of the total weight of riprap shall consist of spalls passing a five-inch sieve.

(b) Installation of riprap shall be either stone dumped, dumped and hand-placed, or cement grouted as called for on the plans.

(Res. of 11-13-2006(2), exh. A(V)(H))

Secs. 58-178—58-206. Reserved.

ARTICLE V. BACKFLOW PREVENTION

Sec. 58-207. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

Air gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device, and the flood level rim of the receptacle.

Auxiliary water supply means any water supply on, or available to, the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from purveyor's public potable water supply or any natural resource such as a well, spring, river, stream, pond, etc., or used water industrial fluids. They may be polluted or contaminated therein being objectionable and constituting an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow preventer means a device or means to prevent backflow or back-siphonage through a cross connection.

Backflow preventer assemblies means and includes an approved backflow prevention device, approved isolation valves, and test cocks. For fire lines, the backflow preventer assemblies shall also include a flow detection meter.

Contaminant means a toxic substance that, if introduced into the potable water supply, would create a health hazard.

Cross connection means a physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water, the other a nonpotable fluid.

Cross connection control (CCC) means a general term applied to a program, an ordinance, a code, etc., designed to discover, eliminate, prevent, etc., all cross connection, existing or potential.

Cross connection control by containment means the installation of a backflow preventer at the service connection to premises to protect the water main (secondary protection).

Cross connection control by isolation means the installation of a backflow preventer or a vacuum breaker at the source (point) of each cross connection on a premises to protect both the premises and main (primary protection).

Cross connection, nonpressure type, means a low inlet installation where a potable water supply pipe is connected or extended below the overflow rim of a receptacle or an environment that contains a nonpotable fluid and is at atmospheric pressure.

Cross connection, pressure type, means a low inlet installation where a potable water supply is connected to a closed vessel or a piping system that contains nonpotable fluid and is above atmospheric pressure.

Double check valve assembly means an assembly of at least two independently acting approved check valves.

Fire lines means water pipes which deliver water to a customer for the sole purpose of suppressing fires. Such flow of water through fire lines is not metered and billed monthly as is water used through nonfire lines.

Manager of the water system means the city employee who serves as the public works supervisor, who is vested with authority and responsibility for the implementation of an effective backflow and cross connection control program and for the enforcement of this article.

Nonresidential user means all users other than residential users.

Open water supply system means one with no checking device installed in the service pipe and water from the customer's system is free to backflow into the main.

Pollutant means a nontoxic substance that, if introduced into the potable water system, would be objectionable but would not create a health hazard.

Reduced pressure principle or *approved reduced pressure principle backflow prevention device* means a device that consists of two spring-loaded, independently acting, check valves with an intermediate or reduced pressure zone draining to the atmosphere by an independently acting relief valve. The unit operates on the hydraulic principle that water will not flow from a zone of lower pressure to a zone of higher pressure.

Residential user means a water customer whose water service connection serves a residential unit or units in which people dwell and where no commercial or industrial activities take place on the premises.

Vacuum breaker (VB) means a general term applied to a back-siphonage prevention device that introduces air into the potable water system when the system pressure approaches zero pounds per square inch (psi). It is designed for use where the receptacle or environment being served is subject to atmospheric pressure only.

Vacuum breaker, anti-siphon, atmospheric type (VB-AT) means a vacuum breaker designed for use under flow conditions only, not to exceed 24 consecutive hours, and where it will be subject to no static pressure and no back pressure.

Vacuum breaker, anti-siphon, pressure type (VB PT) means a vacuum breaker designed to operate under continuous pressure, static or flowing, but no back pressure.

Vacuum breaker, anti-siphon, hose type (VB-HT) means a vacuum breaker designed for hose connection only. It is not approved for continuous pressure, static or flowing.

Vacuum relief valve means a device to limit the degrees of vacuum in a vessel or pipe. It is neither approved nor designed for use as a cross-connection control device.

(Ord. of 7-8-1996, § II; Res. of 11-13-2006(2), exh. A(VI)(II))

Sec. 58-208. Penalties.

Violations of the provisions of this article shall be subject to the following penalties and the penalties as established by the Master Fee Schedule:

(1) Any person, business or company who fails to:

a. Install a proper backflow preventer assembly or assemblies in accordance with the provisions herein within 60 days, following proper notification from the manager.

b. Install a proper backflow preventer assembly or assemblies in accordance with the provisions herein within 90 days, following proper notification from the manager.

c. Install a proper backflow preventer assembly or assemblies in accordance with the provisions herein within 120 days, following proper notification from the manager.

d. Pay any monetary penalty provided herein within 30 days of notification of the penalty being due, or who fails to install a proper backflow preventer assembly or assemblies in accordance with the provisions herein within six months following proper notification from the manager shall have their water service terminated.

(2) Any person, business or company who uses water through a fire line or fire lines for purposes other than the suppression of fire shall be penalized as established by the Master Fee Schedule.

(Ord. of 7-8-1996, § X; Ord. of 7-8-1996, § X; Res. of 11-13-2006(2), exh. A(VI)(X); Ord. No. 2026-01, 6-15-2026)

Sec. 58-209. Required; general requirements.

(a) All water service connections must have a backflow prevention device in accordance with this article.

(b) Any deviation from these specifications or the city's standard details must be approved in writing by the city prior to the start of installation.

(c) All assemblies must be installed as near as possible to the water meter/main.

(d) All four test cock fittings must have either brassed plugs, plastic plugs, or plastic caps installed.

(e) Galvanized nipples and fittings may not be installed directly into/onto an assembly unless a dielectric/insulation fitting is used to separate the dissimilar metals.

(f) All assemblies must be tested by a certified backflow prevention assembly tester at the time of installation, prior to obtaining the final city inspection for acceptance. Thereafter, all assemblies must be tested annually.

(Res. of 11-13-2006(2), exh. A(VI)(A))

Sec. 58-210. Meter boxes.

(a) Cast iron or HDPE meter boxes may be used for the installation of two inches and smaller assemblies to long as adequate access is available for maintenance and testing. The minimum acceptable dimensions at the base of the box are 27 inches by 40 inches. If the meter box is to be set in concrete, asphalt, and/or in an area subject to other than foot traffic, the meter box must be designed for such an installation.

(b) The assembly must be centered in the meter box eight inches to 18 inches deep, from device to top of meter box.

(c) There must be a minimum of six inches of gravel covering the entire bottom of the meter box, with six inches of clearance beneath the assembly above the gravel. Mud, dirt, debris, etc., may not be left in the meter box. If the service line is at a depth that warrants an adjustment, complete courses of bricks or concrete blocks, properly mortared in place, or a commercial meter box riser may be used in order to properly support the meter box and to bring the meter box top level with grade. The meter box cannot rest directly on the water line. Pipe cutout holes must be sealed.

(Res. of 11-13-2006(2), exh. A(VI)(B))

Sec. 58-211. Underground vaults for BFP systems having no discharge.

(a) Unless otherwise approved by the city, the attached vault detail sheets for specifications pertaining to the proper installation of all 2½ inches and larger assemblies in precast, reinforced concrete vaults must be followed. A complete package precast vault such as the one offered by Tindall Concrete that has a backflow prevention assembly already installed, or one that is its equal is acceptable.

(b) All 2½ inches and larger assemblies must be supported with commercial pipe supports, as shown on the attached vault detail sheets. Concrete blocks, bricks, pieces of wood, etc., are not acceptable.

(Res. of 11-13-2006(2), exh. A(VI)(C))

Sec. 58-212. Aboveground enclosures for BFP systems which have a discharge, e.g., RPZs.

All BFP systems which discharge shall be installed above ground. Such above ground installations shall be covered and insulated to prevent freezing. Enclosures shall have a removable top and/or side panels to allow access for testing and repair. All aboveground assemblies shall have a positive drain located above grade. All aboveground enclosures shall be bolted to a concrete base pad which extends four inches beyond the edges of the enclosure.

(Res. of 11-13-2006(2), exh. A(VI)(D))

Sec. 58-213. Interior.

Prior to a backflow prevention assembly being installed inside a building or any structure for the purpose of isolating a service connection from the city's water main, approval in the form of a written variance pertaining to the reason, the assembly's exact location and method of installation must be obtained from the city.

(Res. of 11-13-2006(2), exh. A(VI)(E))

Sec. 58-214. Notice of closed system.

(a) Installation of a backflow prevention assembly on a service line creates a closed system. An auxiliary relief valve or an expansion chamber should be installed to allow for thermal expansion as pursuant to the city's standard detail.

(b) The city accepts no responsibility or liability pertaining to any backflow prevention assembly being properly installed, tested, maintained, serviced, or operating properly. Full responsibility and liability is that of the owner.

(c) Information regarding backflow prevention assemblies may be obtained from the city backflow prevention inspector.

(Res. of 11-13-2006(2), exh. A(VI)(F))

Sec. 58-215. Cross connection.

(a) *Responsibility.* The water system manager, or his designee, shall be responsible for the protection of the public potable water distribution system from contamination due to backflow or back-siphonage of contaminants or pollutants through the water service connections, and for the administration of this article.

(1) If, in the judgment of said manager or his designee, an approved backflow prevention device is required at the city's service connection to any customer's premises, the manager, or his designee, shall give notice, in writing, to said customer to install such an approved backflow preventer assembly at each service connection to the premises.

(2) Upon notification by the manager, the customer being so notified shall install an approved backflow preventer assembly as provided herein within the time frames provided in subsection (a)(4) of this section. Failure to install such a backflow preventer assembly within the time frames provided shall result in penalties as set forth in section 58-208.

(3) Four classes of customers for purposes of regulating back prevention are provided, as follows:

a. Class I. All fire service lines which are designed and intended for suppression of fires.

b. Class II. All hospitals, medical service centers, doctor's offices, funeral homes, dental offices, industries, wood treatment companies, pesticide or pest control businesses, printing or photographic development companies, fertilizer companies, and all water customers (residential and nonresidential) who have auxiliary water supplies.

c. Class III. All nonresidential users not otherwise included in Classes I or II of subsections (a)(3)a and b of this section.

d. Class IV. All residential users not otherwise included in Class II of subsection (a)(3)b of this section.

(4) The following implementation goals are provided for all users within each class:

Class I	60 days
Class II	Six months
Class III	Five years
Class IV	Ten years

(5) Notification implementation. It is the intention of the city to have backflow preventer assemblies installed, with greater emphasis being on the higher-class categories. All new water service connections following the adoption of this article shall have a backflow preventer assembly installed in accordance with the provisions herein. Existing water customers shall be notified by the manager of the need to install such a backflow preventer assembly. Upon such notice, the customer shall have 60 days from receipt of said notice to install a proper backflow preventer assembly, or assemblies, as provided herein.

(6) Unauthorized water use. Except for fire lines, all water used by water system customers shall pass through metered water lines. Unmetered water may be used through fire lines only for the purpose of suppressing fires. The unauthorized use of water through fire lines shall be penalized as set forth in section 58-208. Testing of fire line is not an unauthorized water use so long as:

a. The manager is notified of the test seven days prior to the test;

b. The manager is informed as to the volume of water used for the test; and

c. The user conducts no more than two tests per year.

Any usage through fire lines less than ten gallons per month is not an unauthorized use of water.

(b) *Inspections.* Inspections required under the provisions of this article shall be made by the manager, or his designee.

(1) Upon presentation of proper credentials, the manager, or his designee, may enter at reasonable times any building, structure or premises in the city, and any building, structure or premises which is being served by the water system of the city, to perform any duty imposed by this article. The manager, and his designees are hereby authorized and directed to enforce all provisions of this article, and are hereby vested with all police power necessary for the purpose of enforcing this article, including but not limited to the making of arrests, issuing citations, and the prosecution of any persons or entities that may be charged with any violations of this article.

(2) All installations of any equipment, appliance, or systems, as prescribed in this article or any other ordinance of the city, shall be subject to inspection by the manager, or his designee.

(Ord. of 7-8-1996, § III; Res. of 11-13-2006(2), exh. A(VI)(III))

Sec. 58-216. Selection of devices.

Vacuum breakers and backflow preventers shall be selected based upon the degree of hazard and the type of cross connection. The degree of hazard is to be determined by whether or not the impurities which constitute the risk of contamination are contaminants or pollutants; and the type of cross connection is to be determined by whether or not the type of cross connection is nonpressure or pressure in nature.

(1) *Class I installations.* A double check valve assembly with flow detection meter may be utilized for fire lines with a direct connection from the city's water system to the facility's sprinkler system. All other class I installations from detection meter shall utilize a backflow preventer assembly which operates by the reduced pressure principle. All fire lines which utilize pumps, storage tanks, antifreeze, auxiliary water supplies, etc., will not be considered a direct connection system.

(2) *Class II installations.* All class II installations shall utilize a backflow preventer assembly which operates by the reduced pressure principle.

(3) *Class III and class IV installations.* All class III and IV installations may use any type of backflow preventer assemblies set forth herein. However, if the manager or his designee determines that any specific situation represents an unusual risk of contamination or pollution, the manager or his designee may require the installation of a backflow preventer assembly which operates by the reduced pressure principle.

(4) *Cross connections, nonpressure type.* This type of connection, when not protected by a minimum air gap, shall be protected by an appropriate vacuum breaker or by an appropriate backflow preventer.

(5) *Cross connection, pressure type.* This type of connection shall be protected by an appropriate backflow preventer only. Neither atmospheric nonpressure type vacuum breakers shall be used on pressure type cross connections.

(6) *Lawn sprinkler systems.* Because lawn sprinkler systems serve an environment that is open to the atmosphere, it is not classified under this article as a pressure type cross connection. Due to the special nature of the installation, however, it is mandated that all such systems which are connected the city water system shall have at minimum as backflow protection, a double check valve assembly, in order

to preclude the risk of herbicides and other chemicals which may be injected into said lawn sprinkler systems being pulled back into the city system.

(7) *Accepted materials for devices.* Vacuum breakers shall be bronze. Backflow preventers, including accessories, components and fittings in sizes two inches in diameter or less, shall be bronze with threaded connections. Backflow preventers, including accessories, components and fittings in sizes greater than two inches in diameter shall be either iron or bronze with flanged connections.

(8) *Thermal expansion control device.* A thermal expansion control device shall be used between a backflow preventer and a water heater, as described in the state plumbing code, section 1114, as amended.

(Ord. of 7-8-1996, § IV; Res. of 11-13-2006(2), exh. A(VI)(IV))

Sec. 58-217. Approval of devices.

Vacuum breakers and backflow preventers shall be approved in accordance with the applicable standards of the American Water Works Association and the American Backflow Prevention Association.

(Ord. of 7-8-1996, § V; Res. of 11-13-2006(2), exh. A(VI)(V))

Sec. 58-218. Installation of devices.

Vacuum breakers and backflow preventers equipped with atmospheric vents, or with relief openings, shall be so installed and so located as to prevent any vent or any relief opening from being submerged. Such breakers and preventers shall be installed in the position recommended by the manufacturer and shall be protected from freezing.

(1) *Vacuum breaker, atmospheric type (VB-AT).* These devices shall be installed at least six inches above the highest outlet or the overflow level on the nonpotable system. It shall be installed downstream of the last shutoff valve on the customer's system.

(2) *Vacuum breaker, pressure type (VB-PT).* These devices shall be installed at least 12 inches above the highest outlet or the overflow level on the nonpotable system. It shall be installed downstream of the last shutoff valve on the customer's system.

(3) *Vacuum breaker, hose type (VB-HT).* If not an integral part of a faucet or hydrant, this device shall be attached directly to the hose threads of the valve. It may not be subjected to continuous pressure, static or flowing, nor shall it be attached to a freezeless type hydrant unless it is a model specifically designed for this service.

(4) *Backflow preventer, dual check (BFP-DUC).* This device shall not be buried in earth, but may be installed below ground in a vault or meter box so as to permit ready accessibility for testing and repair. A positive shutoff valve shall be installed near the inlet side of the device and a union shall be installed on either side of said device in such a manner as to allow the flow through said device to be stopped by the shutoff valve so that the unions will allow the removal of said device without further disturbance of the customers water system.

(5) *Backflow preventer with intermediate atmospheric vent (BFP-IAV).* Installation of this device below ground is prohibited. When relief valve discharge could cause water damage, it shall be piped via an air gap, or a funnel, at the vent-relief port to a floor drain or other approved location. A positive shutoff and union shall be near the inlet and outlet side of the device. A strainer with a No. 20 mesh stainless steel screen shall be included between the inlet shutoff valve and the device.

(6) *Backflow preventer, double check valve (BFP-DCV).* This device shall not be buried in earth but may be installed below ground in a vault or meter box, provided ball valve test cocks fitted with brass plugs are used. A positive shutoff valve shall be near the inlet and outlet sides of the device, and three ball valve test cocks shall be provided on the upstream side of the inlet shutoff valve. When below ground, a union flange shall be installed near the inlet and outlet sides of the device. No intervening connection(s) shall be installed between the shutoff valves and the backflow preventer.

(7) *Backflow preventer, reduced pressure zone (BFP-RPZ).* Installation of this device below ground is prohibited. When relief discharge from the device could cause water damage, it shall be piped via an air gap, or a funnel, at the relief port to a floor drain or other approved location. A positive shutoff valve shall be installed near the inlet and outlet sides of the device, and three approved test cocks shall be provided on the device. A fourth test cock shall be installed on the upstream side of the inlet shutoff valve. No intervening branch connections shall be allowed between the shutoff and the backflow preventer.

(Ord. of 7-8-1996, § VI; Ord. of 2-10-1997, exh. A; Res. of 11-13-2006(2), exh. A(VI)(VI))

Sec. 58-219. Additional installation requirements.

When the reduced pressure zone device is installed in a line subject to periodic no-flow conditions, and the supply pressure on such a line is subject to fluctuations, an auxiliary directional check with soft-disc, capable of functioning in any position the backflow preventer may be installed in, shall be provided between the inlet shutoff valve and the backflow preventer head to lock the supply pressure in and prevent unnecessary discharge of water through the vent-relief port. When a water pressure reducing valve is required in the same line with the reduced pressure zone device, the auxiliary directional check will not be required, if and only if, the pressure reducing valve is located upstream of the reduced pressure zone device so as to take advantage of the check valve effect of the pressure reducing valve.

(Ord. of 7-8-1996, § VII; Res. of 11-13-2006(2), exh. A(VI)(VII))

Sec. 58-220. Maintenance and testing of devices.

(a) *Requirements.* All vacuum breakers and backflow preventers shall be maintained in working order and shall be tested on an annual basis. Field testing and repairs shall be performed by personnel of the city or by such outside contractor approved by the manager. The customer shall keep records of the testing, maintenance and repair activities, and shall make such records available to the manager upon request. All vacuum breakers and back flow preventers shall be individually tested at the factory. Reduced pressure zone backflow preventers and double check assemblies shall be tested immediately after installation, and thereafter on an annual basis. The standard fee shall be charged by the city for all tests conducted by city personnel.

(b) *City's duty.* The manager or his designee shall have the duty to investigate all suspected violations of the provisions of this article and any suspect cross connections or suspect failures of backflow prevention devices.

(Ord. of 7-8-1996, § VIII; Res. of 11-13-2006(2), exh. A(VI)(VIII))

Sec. 58-221. Summary.

(a) *Approved backflow prevention required.* All public and all private water supply systems shall have approved protection against backflow to prevent the return of water from these systems back to the supply lines of the city water system.

(b) *Auxiliary.* All auxiliary water supply systems for fire protection, irrigation, or industrial processes shall have approved protection against backflow to prevent the return of water from these sources the same, or potentially the same, as those for potable water systems.

(c) *General public.* All consumers whose water systems are supplied from the city water system's water mains shall have approved protection against backflow at the service connection to the consumer's system, or the closest practical proximity to the service connection.

(d) *Isolation.* In addition to protection against backflow at the service connection, or entrances from other sources of supply referred to generally as containment, all cross connections (existing or potential) on the consumer's system shall have approved protection against backflow at the points of such cross connections, referred to generally as isolation.

(e) *Thermal expansion control device.* If water is heated in a distribution system, or a branch of the system, that has been closed by the installation of a backflow preventer, a pressure reducing valve or other checking devices, an approved thermal expansion control device shall be installed to limit the pressure build-up of the heated water to not more than 80 psi no-flow pressure at any fixture on the system.

(f) *Notification of containment/isolation.* Prior to containing a system, the manager, or his designee, shall give the plumbing official and the consumer proper notice of his intent to do so, along with an explanation of a closed system. He shall give the consumer a reasonable length of time to add a thermal expansion control device to his water supply system, in accordance with the appliable plumbing code, to control the resulting thermal expansion pressure buildups when his system is closed, unless an immediate hazard to health exists.

(Ord. of 7-8-1996, § IX; Res. of 11-13-2006(2), exh. A(VI)(IX))

Sec. 58-222. Enforcement.

(a) *Termination of service; lien created by nonpayment of amounts due; interest on amounts due.* In order to enforce the operation of this article, the city shall have the power and authority to enter upon the property of any user who has violated any provision of this article following due notice of the violation, to terminate the user's water and/or wastewater service in any manner deemed necessary and appropriate by the city. In the event of such termination under this section, the city shall retain all rights to collect unpaid bills or amounts owed by the terminated user according to law or other provision of this article. Such rates or charges, if not paid when due, shall constitute a lien upon the premises served. Past due amounts shall bear interest at the same rate as unpaid ad valorem taxes.

(b) *Civil liabilities and penalties.* Any person who intentionally or negligently violates any provisions contained in this article shall be liable civilly to the city. Said civil liability may be in a sum not to exceed an amount as established by the Master Fee Schedule.

(c) *Injunctive relief.* If any person violates the provisions of this article, the city may commence an action for appropriate legal and/or equitable relief including injunctive relief, in the appropriate court of competent jurisdiction.

(d) *Consent orders.* Consent orders may be utilized by the manager to enforce the provisions contained in this article. A consent order may be issued to any person, business or company who violates any provisions of

this article. The consent order shall be an agreement between the city and the entity in violation that shall operate as follows:

(1) The city shall agree not to prosecute under the law relative to the particular violation or violations being considered if the terms and conditions of the consent order are complied with by the entity in violation.

(2) A schedule including various terms and conditions, as necessary for the entity in violation to achieve compliance shall be provided.

(3) A monetary payment of an amount commensurate with nature and magnitude of the violation may be stipulated in the consent order. This monetary payment shall be from the entity in violation to the city and shall have the legal effect of consideration provided in exchange for the city's covenant not to sue or prosecute on the violation or violations stipulated in the consent order.

(4) Any party to any consent order shall agree that any such consent order may be filed with the county superior court along with pleadings seeking to make such consent order an order of the superior court or enforceable as such court order in any subsequent enforcement action which may be necessary.

(e) *Criminal sanctions and fines.* Any person found guilty of violating any provision of this article shall be deemed guilty of a misdemeanor and shall be fined established by the Master Fee Schedule, and every day such violation exists shall constitute a separate offense and be punishable as herein set out. Nothing contained in this article 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.

(Ord. of 7-8-1996, § XI; Res. of 11-13-2006(2), exh. A(VI)(XI); Ord. No. 2026-01, 6-15-2026)

Secs. 58-223—58-254. Reserved.

ARTICLE VI. LARGE LIFT STATIONS AND FORCE MAINS

Sec. 58-255. Specifications.

(a) Large lift stations are those with pumps greater than three horsepower or that serve more than two residential or commercial units. There are two categories of large sewage lift stations associated with the city's sewage system, as follows:

(1) Inside city. All large sewage lift stations located within the city limits will be dedicated to and owned and operated by the city so long as all requirements of the city are met. Until such time as all the city's requirements have been met and the city has accepted ownership of the lift station in writing, it shall be the sole responsibility of the developer/applicant to operate and maintain the lift station.

(2) Outside city. Except as may be expressly approved by the city council on a case-by-case basis, all large lift stations located outside of the city limits shall be owned, operated and maintained by the owner/applicant, and the city shall have no responsibility for the operation thereof.

(b) Special requirements.

(1) Lift stations will be permitted only when gravity sewer is unavailable to the property being served.

(2) Except as may be approved on a case-by-case basis by the city council, the owner/applicant shall furnish and install the entire lift station/force main system. The system will be designed by the owner/applicant's engineer (designer) licensed to practice engineering in the state. The design must be

reviewed and approved by the city. The designer shall consult with the city's engineer during the design of the system.

(3) The designer shall locate the lift station to drain the largest possible subbasin. The city's engineer shall approve the location prior to final design to ensure proper location.

(4) Generally a pump station will not be allowed to be installed downstream from an existing pump station with its flow going to the existing pump station. The city may, at its discretion, require that a gravity line be installed to carry flow from the existing pump station to the proposed pump station thus eliminating the existing pump station.

(5) The merging together of two or more force mains into one force main is referred to as manifolding. The manifolding of force mains is discouraged. However, in the event that manifolding is determined to be the only practical solution to sewage transmission, for all lift stations which connect to an existing force main, the designer must show by proper engineering calculations that the capacities of all related force mains and lift stations in the system will not be exceeded considering the reasonably anticipated worst case conditions. These engineering calculations must be reviewed and approved by the city engineer.

(c) Site development plans and profiles must show the following:

(1) Gravity system and connection to lift station;

(2) Force main design showing connection to existing system;

(3) Design calculations, including pump curves also showing the pump and system head curves;

(4) Plan of the subbasin which drains to the lift station to include contours and projected flow calculations for the entire subbasin;

(5) Details of the lift station installation including grades, materials of construction, control systems, etc. Plan and profile views are required;

(6) Electrical supply and control diagrams showing all electrical requirements as well as control logic diagram (or a written description of the control logic);

(7) Site plan showing finished grade contour lines (two-foot intervals) in and around lift station and access road and all existing and proposed utilities.

(d) Large lift stations shall be below grade with duplex (two) submersible pumps operating in the lead-lag configuration such that the pumps alternate after each pump cycle. The lift stations shall be made of concrete, fiberglass, or other structurally suitable, noncorrosive material. Each lift station shall have an above grade access hatch of a size, configuration and elevation that is readily accessible for a human being and suitable for easy installation and removal of the pumps. The hatch shall be designed and located such that surface water flow cannot enter the lift station. The pump manufacturer shall be approved by the city. All pumps shall be able to pass a three-inch diameter solid except those pumps serving individual commercial or residential units shall be able to pass a one-inch diameter solid.

(e) Provide fresh water (20 psi minimum) for wash down (50-foot of three-fourths-inch hose supplied with nozzle installed), with back flow preventer installed in accordance with the city's backflow prevention program. The water meter must be set at the edge of the right-of-way.

(f) Large lift stations with pumps exceeding three hp shall have the following (unless otherwise approved by the city):

(1) Fenced area (25 feet by 25 feet minimum) eight-foot-high fabric nine gauge wire (chain-link type) with top rails and bottom tension wires; three strands barbed wire at top on angled extension arms; posts in three-foot concrete minimum ten-inch diameter spaced ten feet apart;

(2) Fourteen-foot-wide gate on four-inch diameter posts;

(3) High pressure sodium security light on 20-foot pressure treated pole with automatic eye;

(4) The wet well shall be sized to prevent excessive cycling of the pumps. Starts shall be limited to one start per ten minutes unless otherwise recommended by the pump manufacturer. Size shall be as recommended by the pump supplier and shall be approved by the city. Minimum six-foot diameter wet well for suction lift pumps. Hatch doors shall be sized by the pump supplier to allow adequate clearance to easily remove the pumps;

(5) The force main must have a cutoff valve positioned after the check valve pit. On long force mains the city may require additional in-line valves to isolate sections of the force main in the vent of a pipe failure.

(Res. of 11-13-2006(2), exh. A(VII)(A))

Sec. 58-256. Electrical specifications.

(a) Prior to any approval, the appropriate power company or the city engineer must notify the city that three phase power and voltage is available to the site. In the event that three-phase power is not readily available to the site, the developer may be permitted to utilize a phase converter upon submittal of a letter showing that the cost to install three-phase service is excessive. Approval for the use of a phase converted will be granted by the city based on the specific site conditions. Single phase power will be allowed only for lift stations with pumps less than three horsepower serving individual commercial or residential units.

(b) Pump stations installed in developments with underground power will be permitted to utilize three-phase 208 voltage for stations with up to 15 horsepower motors.

(c) All aboveground conduit work shall be galvanized rigid conduit (IMC).

(d) Switching gear (transfer switch, breakers, etc.) shall be mounted in panel box made of either stainless steel or aluminum minimum of one-eighths-inch thickness of NEMA 4 rating with hinged door with lock. Panel is to set on legs mounted to concrete base, conduit stubs to enter at bottom of panel and to be set in the concrete base for support.

(e) No conduit runs or junction boxes are to be installed inside or on top of wet well.

(f) Lift stations shall have factory installed hour meters to show pump's running time to the tenth of an hour.

(g) Phase converter, when utilized, shall be of the rotary type; manufactured by Kay Industries, distributed by Power Systems Engineering. Stationary type, such as add-a-phase, will not be allowed.

(h) The electrical system shall include the means to send a signal to the telemetry system that the incoming power has failed or has lost one phase.

(i) A phone dialer shall be provided.

(j) An emergency generator or power supplied from two independent sources with automatic switchover capability. All gasoline or diesel-powered emergency generators shall have secondary containment to protect against releases of fuel.

(Res. of 11-13-2006(2), exh. A(VII)(B))

Sec. 58-257. Ownership.

Unless otherwise expressly approved by the city, the developer shall maintain ownership and responsibility of all large sewage lift stations.

(Res. of 11-13-2006(2), exh. A(VII)(D))

Secs. 58-258—58-279. Reserved.

ARTICLE VII. WATER

DIVISION 1. GENERALLY

Sec. 58-280. Water usage policy for cleanup and inspections.

(a) The city will charge a flat rate as established be the Master Fee Schedule for contractors, property owners, inspectors, and potential tenants for the use of the city's water if there is not an active account registered with the city's utility department.

(b) Persons who request the water meter to be on and pay the required deposit will be able to clean and/or inspect the property for a period of three days.

(c) Water usage that exceeds 500 gallons will be billed a minimum water bill in addition to the amount as established by the Master Fee Schedule.

(Policy of 4-12-2004; Ord. No. 2026-01, 6-15-2026)

Sec. 58-281. Unlawful for unauthorized persons to tap or open mains or lines.

It shall be unlawful for any person other than an employee of the city in the performance of his duties as such, or a person having secured a prior permit from the city, to tap into or make any opening in connection with the water mains or waterlines of the city.

(Comp. Ords. 1970, § 6-505)

Secs. 58-282—58-310. Reserved.

DIVISION 2. WATER CONSERVATION[10]

[10]Editor's note(s)—Ord. No. 2016-18, adopted Nov. 21, 2016, amended Div. 2 in its entirety to read as herein set out. Former Div. 2, §§ 58-311—58-324, pertained to similar subject matter. For prior history, see Code Comparative Table.

Sec. 58-311. Authority and purpose.

The city, under its powers pursuant to state law, has adopted this division to protect the public health and welfare. This division implements the city's authority to impose water use restrictions, conditioned upon a restricted water use period declared by the city pursuant to the terms of this division or a declared drought response level implementation declared by the state pursuant to chapter 391-3-30 of the rules of the state department of natural resources, environmental protection division, entitled Drought Management (Ga. Comp. Rules and Regs. 391-3-30-.01 et seq.)

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-312. Definitions.

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

Address means the house number (a number or alphanumeric designation) that, together with the street name, describes the physical location of a specific property.

Declared drought response level (DDRL) means one of three levels of drought that may be declared by the state department of natural resources based on the severity of drought conditions, with one being the least severe and three being the most severe, as provided in Ga. Comp. Rules and Regs. 391-3-30-.01 et seq., pertaining to outdoor water use.

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

Even-numbered address means a house number ending with the number 0, 2, 4, 6, 8, or no house number.

Odd-numbered address means a house number ending with the number 1, 3, 5, 7, or 9.

Outdoor watering means any watering of decorative lawns, trees or shrubbery or ornamental fountains, or uses defined in GA. Comp Rules and Regulations of the State of Georgia 391-3-30.

Water users means all persons or municipalities using water from any public water source irrespective of that person's responsibility for billing purposes for use of the water.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-313. Declaration of period of restricted water use.

The mayor or city manager shall declare a period of restricted water use in either of two circumstances:

(1) *State DDRL announcement.* In the event of imposition by the division of a DDRL encompassing the geographical area of the city's water service area or any part thereof, the mayor or city manager shall declare a water emergency and the level thereof under the approval of the division. Upon the declaration, the restrictions of this division shall apply to all water use within the city's water service area until the restrictions are lifted by the mayor or the city council; provided, however, that the restrictions shall remain in full force and effect until any state outdoor watering ban has been lifted.

(2) *Local declaration.* In the event of prolonged drought, failure of equipment, or any other factor that substantially affects or may affect the supply of water to the city and the city's water users, the mayor or city manager may declare an emergency and the level thereof with an approved variance from the division. Upon declaration, the restrictions of this division shall apply to all water use within the city until the restrictions are lifted. The declaration should be, where appropriate, conditioned on the

identification of an emergency or water shortage by the city personnel, county personnel, state agency, federal agency, or the state governor.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-314. Notice of declaration.

Upon declaration of a period of restricted water use, the mayor or city manager shall notify all users through news releases to the media, through notices mailed to all users, or through such other means as the mayor or city manager shall deem expedient and appropriate. Notice shall be given as soon as practical after the declaration of a period of restricted water use is made.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-315. Watering methods.

During a period of restricted water use of any level, outdoor watering is restricted to bucket, can or handheld hose watering with automatic shutoff nozzle. The use of automatic sprinkler systems is prohibited, except watering of newly installed landscaping as permitted herein and except testing of a newly installed or newly repaired sprinkler system by a commercial enterprise engaged in the installation or repair of lawn irrigation systems.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-315.01. Pre-drought mitigation strategies.

(a) During non-drought periods, irrigation outdoors for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants, shall be in accordance with O.C.G.A. § 12-5-7(a.1)(1) and (2).

(1) Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 p.m. and 10:00 a.m.

(2) Subdivision (a)(1) shall not create any limitation upon the following outdoor uses:

a. Commercial agricultural operations as defined in O.C.G.A. § 1-3-3;

b. Capture and reuse of cooling system condensate or storm water in compliance with applicable local ordinances and state guidelines;

c. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable board of health regulations adopted pursuant thereto;

d. Use of reclaimed wastewater by a designated user from a system permitted by the Environmental Protection Division of the department to provide reclaimed wastewater;

e. Irrigation of personal food gardens;

f. Irrigation of 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;

g. Drip irrigation or irrigation using soaker hoses;

h. Hand watering with a hose with automatic cutoff or handheld container;

i. 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;

j. Irrigation of horticultural crops held for sale, resale, or installation;

k. Irrigation of athletic fields, golf courses, or public turf grass recreational areas;

l. Installation, maintenance, or calibration of irrigation systems; or

m. Hydroseeding.

(3) Subsection (a)(1) shall not create any limitation upon outdoor water uses for purposes other than planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants.

(b) The state has already made, and continues to make, extensive investments in water efficiency since conservation measures play such an important role in water stewardship. Therefore, with the exception of the outdoor irrigation requirements in O.C.G.A. § 12-5-7(a.1)(1) and (2) and the Drought Contingency Plans and Water Conservation Plans required under Rules 391-3-2-.04(11), 391-3-6-.07(4)(b) 8, and 391-3-6-.07(4)(b) 9, this rule does not repeat or modify any existing predrought mitigation strategy or create any new predrought mitigation strategies.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-316. Drought response level 1.

Permittees that are public water systems shall implement a public information campaign that shall include, at a minimum, public notice regarding drought conditions and drought specific public-service messages in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-317. Level two restrictions.

During drought response level 2, permittees shall implement all drought response level 1 measures plus the following additional drought response level 2 measures:

(1) *General outdoor watering.* Outdoor irrigation for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants, as described in Rule 391-3-30-.03(1)(a), shall be limited to two days a week on an odd-even schedule. Even-numbered addresses may irrigate on Wednesday and Saturday between the hours of 4:00 p.m. and 10:00 a.m. Odd numbered addresses may irrigate on Thursday and Sunday between the hours of 4:00 p.m. and 10:00 a.m. "Even-numbered address" means an address ending with the number 0, 2, 4, 6, 8, or the site does not have a numbered address. "Odd-numbered address" means an address ending with the number 1, 3, 5, 7, or 9.

(2) *Specific categories of outdoor water use*. The outdoor water uses listed in Rule 391-3-30-.03(1)(b) shall be allowed.

(3) The following outdoor water uses shall not be allowed, except as provided below:

a. Washing hard surfaces such as streets, gutters, sidewalks and driveways, except when necessary for public health and safety;

b. Using water for ornamental purposes, such as fountains, reflecting pools, and waterfalls;

c. Use of fire hydrants, except for the purposes of firefighting, public health, safety, or flushing;

d. Washing vehicles, such as cars, boats, trailers, motorbikes, airplanes, or golf carts;

e. Non-commercial washing, or pressure washing, of buildings or structures, except for immediate fire protection; and

f. Charity, or non-commercial fund-raiser, car washes.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-318. Level three restrictions.

During drought response level 3, permittees shall implement all drought response level 1 and 2 measures plus the following additional drought response level 3 measures:

(1) *General outdoor watering.* Outdoor irrigation for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants, as described in Rule 391-3-30-.03(1)(a), is not permitted.

(2) *Specific categories of outdoor water use.* The outdoor water uses listed in Rule 391-3-30-.03(1)(b) shall be allowed, subject to the following additional requirements:

a. Irrigation of personal food gardens shall be conducted between the hours of 4:00 p.m. and 10:00 a.m., unless done using drip irrigation or soaker hoses. Irrigation of personal food gardens using drip irrigation or soaker hoses may be done at any time;

b. Hand watering with a hose with automatic cutoff or handheld container may be conducted between the hours of 4:00 p.m. and 10:00 a.m.;

c. Irrigation of athletic fields or public turf grass recreational areas may be conducted between the hours of 4:00 p.m. and 10:00 a.m., subject to the two days a week odd-even schedule described in drought response level 2;

d. Irrigation of golf courses shall be conducted in accordance with the "Golf Irrigation Prediction and Estimation Worksheet" and only between the hours of 4:00 p.m. and 10:00 a.m., provided, however, irrigation of golf course greens may occur at any time of day;

e. Use of reclaimed wastewater by a designated user from a system permitted by the division to provide reclaimed wastewater shall not be allowed for general outdoor watering as described in Rule 391-3-30-.03(1)(a). It shall be allowed for any use described in Rule 391-3-30-.03(1)(b) subject to the limitations in Rule 391-3-30-.07(4)(b);

f. Installation, maintenance, or calibration of irrigation systems is allowed, provided that it is done by professional landscapers or golf course superintendents.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-319. Drought response strategies.

(a) Public information campaign that goes significantly beyond the minimum notice and public service messages associated with drought response level 1;

(b) Reduce system pressure, unless such reduction would create unsafe water supply conditions;

(c) Pool cover requirements;

(d) Implement a drought surcharge program, or tiered conservation rates, which satisfy the criteria of this rule;

(e) Suspension of street cleaning program(s);

(f) Implement, or accelerate, leak detection and repair program(s);

(g) Impose monetary penalties or terminate water services to customers to reduce outdoor water waste due to excessive application, outdoor leaks, improper irrigation, or other similar reasons.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-320. Professional exemptions.

The following commercial outdoor water uses are exempt from the outdoor water use restrictions of this rule:

(1) Pressure washing;

(2) Permanent car wash facility, provided that it is connected to a sanitary sewer system of a political subdivision or local government authority or recycles used wash water;

(3) Construction sites;

(4) Watering-in of pesticides and herbicides on turf; and

(5) Other activities are essential to daily business.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-321. Application for waiver.

Any water user that considers the restrictions imposed during a period of restricted water use to adversely affect their livelihood, health or sanitation, may make written application for a waiver. Any such application should be directed to the attention of the mayor or city manager who shall make a determination regarding waiver within five business days of receipt of the application. The determination of the mayor or city manager shall be final.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-322. Issuance of written warnings to violators.

Persons violating water use restrictions as provided herein shall be given one warning in writing prior to the issuance of a citation, unless:

(1) The period of restricted water use is declared in response to a DDRL imposed by the state and applicable in the geographical limits of the city; or

(2) The declaration of a period of restricted water use specifically provides that no warnings will be given.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-323. Enforcement.

(a) Every police officer of the city shall, in connection with his duties imposed by law, diligently enforce the provisions of this division, or any provision of any ordinance adopted pursuant to this division, or any written order of the mayor and council issued pursuant to this division.

(b) The mayor and council or the city's designated representative shall have the authority to enforce the provisions of this division, or any provision of any ordinance adopted pursuant to this division, or any written

order of the mayor and council issued pursuant to this division, by the discontinuance of water service in the event of a violation hereof.

(Ord. No. 2016-18, 11-21-2016)

Sec. 58-324. Penalties.

(a) Any person who shall violate a provision of this division, or any provision of any ordinance adopted pursuant to this division, or any written order by the mayor and council or the city's designated representative, issued pursuant to this division, or shall withdraw water from the water supply system of the city for uses prohibited, or in an amount in excess of limitations placed thereon by any such ordinance or order of the mayor and council, or the city's designated representative, shall be penalized as established by the Master Fee Schedule.

(b) Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this division, or failure to comply with any such ordinance or order, is committed or continued.

(Ord. No. 2016-18, 11-21-2016; Ord. No. 2026-01, 6-15-2026)

Secs. 58-325—58-353. Reserved.

DIVISION 3. METERS

Sec. 58-354. Water meter installation.

The installation of water meters to monitor the water and sewer consumption in a multiple-unit building shall be pursuant to the requirements of this division.

(1) *Installation of one water meter (one meter to serve multiple units).* The owner is responsible for all applicable tap and connection fees. Fees are assessed per entry doorway and not per meter. If one water meter is installed to monitor the water and sewer consumption in more than one unit in a multiple-unit building, the owner of the building must register the water and sewer services in the name of the owner, and the owner will be billed and shall be responsible for payment of all water and sewer charges. Once the number of connections have been determined, the same number of users will be billed monthly to the owner of the building. Sufficient outside curb stop valves for each unit must be installed so that the utility services can be independently shut off without disrupting utility services to the other units in the building Sewer tap and connection fees are assessed per entry and not per meter.

(2) *Installation of multiple water meters (meter per unit).* The owner is responsible for all applicable tap and connection fees. Fees are assessed per meter. If multiple water meters are installed to monitor the water and sewer consumption in a multiple-unit building, the owner of the building must comply with one of the following requirements for the installation:

a. If the water and sewer services for the building are registered in the name of the owner, the owner will be billed and shall be responsible for payment of all water and sewer charges; or

b. The water and sewer services for each unit in the building may be registered in the name of the tenant, provided the owner agrees to install and maintain in working order, at the owner's expense, an outside curb stop valve for each water meter installed so that the utility services to a

unit can be independently shut off without disrupting utility services to the other units in the building.

(Ord. of 11-5-2007, § I)

Sec. 58-355. Existing service.

(a) Existing water and sewer services for any multiple-unit building that does not have sufficient outside curb stop valves for each water meter installed so that the utility services can be independently shut off without disrupting utility services to the other units in the building may be billed to the individual tenants provided that the water and sewer charges were billed to the individual tenants prior to the adoption of this division and have been continuously billed to the individual tenants since November 2001.

(b) If an existing tenant moves from the building, the water and sewer services may be registered in the name of the new tenant provided the new tenant pays a deposit for water and sewer services as established by the current water and sewer rate ordinance.

(c) Remodeling, change of use, etc., may require the owner of the building to install outside curb stop valves for each water meter installed.

(Ord. of 11-5-2007, § II)

Sec. 58-356. Access to premises.

The owner of a multiple-unit building and/or tenant shall grant employees of the city public works department immediate access to each water meter when necessary for the purpose of inspecting, repairing, removing, or replacing the meter.

(Ord. of 11-5-2007, § III)

Sec. 58-357. Penalties.

Penalties shall apply for all unauthorized water and sewer connections. The penalty amount will be assessed at two times the amount of the tap and connection fees for water and sewer which are effective on the date of the discovery of the unauthorized connections.

(Ord. of 11-5-2007, § IV)

Chapter 60 VEGETATION[11]

ARTICLE I. IN GENERAL

Secs. 60-1—60-18. Reserved.

[11]State law reference(s)—Plant disease, pest control and pesticides, O.C.G.A. § 2-7-1 et seq.; forest resources and other plant life, O.C.G.A. § 12-6-1 et seq.; timber harvesting and removal requirements, O.C.G.A. § 12-6-23 et seq.

ARTICLE II. WEEDS

Sec. 60-19. Definitions.

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

Weeds includes, but is not limited to, jimson, burdock, ragweed, thistle, cocklebur, dandelion, or other unsightly growths of a like kind.

Sec. 60-20. Prohibited 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 12 inches on such property. Weed growth prohibited by this section shall be a public nuisance subject to abatement as set forth herein.

Sec. 60-21. Violation constitutes nuisance.

It shall be unlawful and declared a nuisance per se for the owner or occupant of any lot, tract, parcel, or premises within the city to allow the growth or accumulation of weeds, grass, brush, or other vegetative undergrowth in a manner that:

1. Violates the provisions of this article;
2. Endangers or may endanger the public health, safety, or welfare; or
3. Obstructs, impedes, or encroaches upon any public road, street, alley, sidewalk, right-of-way, or other public passageway.

Sec. 60-22. Notice to remove.

It shall be the duty of the Chief of Police, or the Chief's designee, to provide written notice to the owner, occupant, or person responsible for any lot, tract, parcel, or premises upon which weeds, grass, brush, or other prohibited vegetation are allowed to grow in violation of this article.

Such notice shall require the violation to be corrected by removing, cutting, or otherwise destroying the prohibited vegetation within ten (10) days from the date of the notice.

Notice shall be provided by:

1. Mailing the notice by registered or certified mail to the last known address of the owner or occupant; and
2. Posting the notice in a conspicuous location on the subject property.

Notice shall be deemed complete upon posting of the notice on the property.

Sec. 60-23. Abatement.

If the owner, occupant, or other responsible person fails, neglects, or refuses to remove, cut, or destroy the prohibited weeds, grass, brush, or other vegetation within the time provided in the notice required by this article, the city is authorized to cause such condition to be corrected by city personnel or by a contractor acting on behalf of the city.

The city may enter upon the property as reasonably necessary to remove, cut, destroy, or otherwise abate the nuisance condition. The costs incurred by the city in abating the nuisance, including administrative costs, may be charged to the property owner and collected in the manner provided by law.

Sec. 60-24. Costs of abatement.

The actual cost of such weed removal shall be assessed against the property owner upon whose premises the work is done and a statement of the sums due shall be provided to the owner in the same manner as provided for notices to remove. In the event the bill for such charges remains unpaid ten 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.

Secs. 60-25—60-50. Reserved.

Ord. No. 2026-01, 6-15-2026

ARTICLE III. TREES

DIVISION 1. GENERALLY

Sec. 60-51. 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:

Crown spread means the distance measured across the greatest diameter of a plant.

Park tree means either evergreen or deciduous trees or shrubs located on land designated as public park land. Public park land shall be land owned or leased by the city and used for public park purposes.

Shade tree means any self-supporting woody plant of a species that is normally well-shaped, well-branched and well-foliated which normally grows to an overall height of at least 35 feet and normally develops an average mature crown spread greater than 30 feet.

Small tree means either evergreen or deciduous trees or shrubs, which do not normally exceed 12 feet in height at maturity. No tree which exceeds 12 feet in height shall be classified as a small tree.

Street tree means either evergreen or deciduous trees or shrubs located on land lying within the public right-of-way on either side of all public streets, roads, avenues or ways within the city.

(Ord. of 12-10-2003, § V(a)—(c))

Sec. 60-52. Board to maintain list of recommended species.

The city tree board shall develop and maintain a list of species of street, park, shade and small trees which said tree board recommends for the planting of new trees within the city.

(Ord. of 12-10-2003, § V(d))

Sec. 60-53. Penalties.

(a) Any person, legal or natural, found guilty of violation any provision of this article shall be subject to penalties as provided in section 1-18.

(b) Action pursuant to any provision of this article shall not be a bar to the enforcement of this article by injunction or other appropriate remedy, and the city, acting by and through the city building inspector, or other duly authorized individual, shall have the power to institute and maintain in the name of the city any and all such enforcement proceedings.

(c) Nothing in this article shall be construed to abridge, limit, or otherwise impair the right of any person to institute and maintain any action or other appropriate proceeding for damages or other relief on account of injuries to persons or property.

(Ord. of 12-10-2003, § XIII)

Secs. 60-54—60-79. Reserved.

DIVISION 2. TREE BOARD

Sec. 60-80. Creation and establishment.

There is hereby created and established a city tree board, which shall consist of five members, who shall be residents of the city, and who shall be appointed by the mayor and city council.

(Ord. of 12-10-2003, § I)

Sec. 60-81. Term of office.

The term of office for each the members of the city tree board shall be one year. In the event that a vacancy shall occur during the term of any member of said board, the mayor and council shall appoint a successor to fill the unexpired portion of the term of such member.

(Ord. of 12-10-2003, § II)

Sec. 60-82. Compensation.

Members of the tree board shall be entitled to receive compensation in the amount of $100.00 per diem, payable monthly, for attending each scheduled, special, or called meeting.

Sec. 60-83. Duties, responsibilities, and operation.

(a) It shall be the responsibility of the tree board to study and investigate the care, preservation, pruning, planting, replanting, removal and/or disposition of trees and shrubs in parks, along public streets and in other public areas, and to periodically report such studies and investigations to the mayor and city council. The tree board, when requested by the mayor and city council, shall consider, investigate, make findings, report and recommend upon any specific matter or question coming within the scope of its work. All such studies, investigations, considerations, findings, reports and/or recommendations shall be advisory only. The mayor and council shall designate the chairman of said tree board. The tree board shall:

    (1) By majority vote elect all other officers it deems necessary and appropriate;

    (2) By majority vote adopt such rules governing the conduct of its meetings which are not contrary to law; and

    (3) Keep minutes of its meetings.

(b) A majority of the members shall be a quorum for the transaction of business.

(Ord. of 12-10-2003, § IV)

Sec. 60-84. Interference, etc., with city tree board prohibited.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its members and/or agents, while engaged in conducting the activities of authorized by this division.

(Ord. of 12-10-2003, § XII)

Secs. 60-85—60-111. Reserved.

DIVISION 3. TREE REGULATIONS

Sec. 60-112. Distance from street corners and fire hydrants.

No tree (whether street tree, park tree, shade tree or small tree) shall be planted or otherwise located closer than 20 feet from the intersection of any public street with another public street or with a designated private street, as measured from point of intersection of the nearest paved surfaces of such streets. However, shrubs of less than three feet in height are allowed to be located not less than four feet from such intersections. No tree (whether street tree, park tree, shade tree or small tree) shall be planted or otherwise located closer than ten feet from any fire hydrant. This section shall apply only to the planting and/or location of new trees and shall not be interpreted to require the removal of trees in the ground on the date of adoption of the ordinance from which this division is derived. This section shall not apply to the central business district of the city.

(Ord. of 12-10-2003, § VI)

Sec. 60-113. Utilities.

No tree, other than a tree meeting the definition of a small tree as set forth in this division, shall be planted or located under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, power line, or other utility. This section shall apply only to the planting or location of new trees and shall not be interpreted to require the removal of trees in the ground on the date of adoption of the ordinance from which this division is derived.

(Ord. of 12-10-2003, § VII)

Sec. 60-114. Public tree care.

(a) The city shall have the right, power and authority to plant, prune, maintain and remove trees, plants and shrubs within the boundaries and rights-of-way of the streets, alleys, avenues, lanes, squares, and public grounds of the city, as may be necessary to insure public safely and to preserve or enhance the symmetry and beauty of such streets, alleys, avenues, lanes, squares, and public grounds of the city.

(b) The city shall have the right, power and authority to remove, or cause or order to be removed, any tree or part thereof within the boundaries and rights-of-way of the streets, alleys, avenues, lanes, squares, and public grounds of the city, which tree or any part thereof:

  (1) Is in an unsafe condition;

  (2) By reason of its nature or condition, is injurious to sewers, electrical power lines, gas lines, water lines, or other public improvements and/or the structural integrity of any public street or sidewalk; and/or

  (3) Is infected with any injurious fungus, insect or other pest.

(Ord. of 12-10-2003, § VIII)

Sec. 60-115. Tree topping.

It shall be unlawful, as a normal practice, for any person or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees that are dead, dying, diseased, severely damaged by storms or other causes, or located beneath utility wires where alternative pruning practices are impractical shall be exempted from this section.

(Ord. of 12-10-2003, § IX)

Sec. 60-116. Pruning corner clearance trees on private property.

Every owner of any tree overhanging any public street or right-of-way within the city shall prune the branches of such tree so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. 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 lights along the street from a streetlight or interferes with the visibility of any traffic control device or sign.

(Ord. of 12-10-2003, § X)

Sec. 60-117. Dead or diseased tree removal on private property.

(a) The city shall have the right, power and authority to cause the removal of any dead or diseased tree located on private property within the city, when such tree:

  (1) Constitutes a hazard to life;

  (2) Constitutes a hazard to property; and/or

  (3) Harbors insects or disease which constitute a potential threat to other trees within the city. Diseased or dangerous trees constitute nuisances per se.

(b) The city shall have the right, power and authority to take such action immediately in those instances which present a clear and immediate danger of substantial harm to persons and/or property. In all other instances, the city may initiate action to have such tree removed under the applicable provisions of the nuisance provisions of article IV of chapter 36, as now or hereafter amended.

(Ord. of 12-10-2003, § XI)

Sec. 60-118. Buffer and landscaping requirements.

The city has adopted, as stated in chapter 64, Standard Development Specifications, April 2002, that include specifications with regard to tree and shrub buffers and other landscaping requirements. The adopted specifications shall be applicable to vegetation within the city to the extent set forth therein. A copy of the adopted specifications are available in the office of the city clerk.

Chapter 62 VEHICLES FOR HIRE[12]

ARTICLE I. IN GENERAL

Secs. 62-1—62-18. Reserved.

[12]State law reference(s)—Authority of cities and counties to require certificate of public necessity and convenience as prerequisite to operation of taxicab within local government's geographical boundaries, O.C.G.A. § 36-60-25.

ARTICLE II. TAXICABS[13]

Sec. 62-19. Purpose.

It is the purpose of this article to protect the public health, welfare and safety of its citizens through the proper licensing of taxi businesses and require that those persons operating taxicabs do so in a safe, fair and efficient manner. To provide for application requirements, licensing, required issuance of insurance, permits, permit fees, fines and penalties, appeal of suspension or permit denial and severability.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-20. Definitions.

The following words, terms, or phrases, when used in this chapter, shall have the meanings given in this section.

Certificate means a certificate of public convenience and necessity issued by the city clerk authorizing the holder to conduct a taxicab business in the city.

City means City of Cleveland, Georgia.

Holder means a person to whom a certificate of public convenience and necessity has been issued.

Taxicab means any vehicle designed and used for the purpose of transporting less than 15 passengers for consideration or charges which are determined by agreement, contract, mileage, or length of time, not operating from a fixed terminal on a fixed route.

Taxi operator's permit means the written permission, granted by the city, to a person to operate a taxicab on the streets of the city.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-21. Certificate of public convenience and necessity.

No person shall operate, or permit a taxicab owned or controlled by such person to operate, within the city without first obtaining a certificate of public convenience.

(Ord. No. 2012-05, 4-9-2012)

[13]Editor's note(s)—Ord. No. 2012-05, adopted Apr. 9, 2012, set out provisions intended for use as §§ 12-400—12-425. For purposes of classification, and at the editor's discretion, these provisions have been included as §§ 62-19—62-43.

Sec. 62-22. Application of certificate of public convenience and necessity.

An application for a certificate of public convenience shall be filed with the city clerk on forms provided by the city. The applicant is required to submit to a criminal history background check. The applicant must:

(1) Be at least 21 years of age.

(2) Be a citizen of the United States, an alien admitted for permanent residence, or has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

(3) Have not been convicted of any felony crime within the ten-year period prior to the date of application.

(4) File application for the initial licensing and inspections of vehicles along with a list of all drivers who will be scheduled for driver permitting. An insurance binder must be provided for each vehicle to be used by the company.

(5) Submit the application fees.

(6) Provide the following information:

a. Name of business.

b. Physical address of the business.

c. Mailing address of the business.

d. Federal employer ID number or Social Security number.

e. The insignia (in color format), to be used on the vehicle.

f. Details of insurance coverage including agency, policy, and/or binder number, length of coverage, amounts and types of coverage.

g. The number of vehicles to be used.

h. Applicants full name, race, sex, nationality, Social Security number, alien registration number (if applicable), driver's license number, date of birth, home address, home phone number, mobile (cell) phone number, email address, and the amount of experience in the transportation of passengers.

i. Submit to a criminal background check.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-23. Liability insurance required.

(a) No certificate shall be issued unless there is in full force and effect liability insurance for each vehicle authorized for injury to any one person; in the amount of $1,000,000.00 for injuries to more than one person which are sustained in the same accident and $700,000.00 for property damage resulting from any one accident. Such liability insurance shall insure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a holder or their agents.

(b) Written documentation of the above stated insurance coverage, signed by an authorized agent of the insurer shall be filed in the office of the city clerk. Such insurance shall be carried with a company/agency authorized to do business in the State of Georgia.

(c) Each certificate of insurance submitted to the city clerk shall include, by endorsement to the policy, a statement that written notice shall be given to the city by certified mail, 30 days prior to cancellation or upon any material change in the coverage.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-24. Indemnity for the benefit of the city.

Any taxicab company operating under this article shall hold the city harmless against any and all liability, loss costs, damages, or expense, which may accrue, to the city by reason of the negligence of the holder. Nothing in this article shall be considered to make the city liable for damages because of any negligent act or omission or commission by any taxicab company, its drivers, or other employees, during the operation of a taxicab business or service, either in respect to injuries to person or with respect to damage to property which may be sustained.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-25. Application fees.

Before an application will be considered for approval, application fee as established by the Master Fee Schedule shall be paid. In the event the application is approved, the applicant will be responsible for paying the occupational tax license fee in accordance with the city's occupational tax license fee schedule. In the event that the application is denied, the city will retain $100.00 of the application fee to cover administrative costs associated with processing the application.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-26. Suspension or revocation of certificate.

A certificate may be suspended or revoked by the city manager, or designee, for the following reasons:

(1) Furnishing fraudulent information requested in any application.

(2) Failure to pay all fees, or other charges imposed by this article.

(3) Failure to maintain all of the general qualifications applicable to the initial issuance of a certificate.

(4) Allowing the required insurance coverage to lapse.

(5) Violation of any provision of this article.

(6) Discontinuing operations for a period of more than 30 days, or failing to begin operations within 60 days of the date of issuance of the certificate.

Prior to any suspension or revocation, the certificate holder shall be given written notification at their last known address of the action, which shall include ground for such action.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-27. Renewal of certificates.

(a) All certificates shall expire on December 31 of each year, including the year issued, but may be reinstated by the city manager, or designee, upon a renewal application being made and a determination that the applicant remains qualified as set forth in the ordinance, and upon payment of the appropriate fees.

(b) Certificates may be renewed only between November 15 and December 31 of each year for the following year. Certificates not renewed by December 31 shall be void and the certificate holder must re-apply as a new applicant in order to obtain a certificate.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-28. Alteration of certificates.

It shall be unlawful for any person willfully to alter, deface or destroy a certificate of public convenience and necessity issued pursuant to this article.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-29. Condition of vehicle and required markings.

(a) No automobile with less than four doors shall be operated as a taxicab on the streets of the city.

(b) The inside of all taxicabs shall be clean and free from liter.

(c) No taxicab shall be operated on the streets of the city which are in violation of O.C.G.A. § 40-8-7 which requires that all equipment be in good working order and safe mechanical condition.

(d) Each taxicab shall be equipped with an inside dome light which shall light up when the rear door is open and provide enough light so that the taxicab operator's permit may be clearly seen.

(e) Each taxicab shall be equipped with turn signals and brake lights.

(f) It shall be necessary for each taxicab to have a sign affixed on each side of the vehicle in accordance with regulations established by the city.

(g) The certificate number issued by the city shall be affixed to the two sides and the rear of each taxicab.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-30. Taxicab operator's permit required.

No person, firm, or corporation shall operate a taxicab on the city streets unless a taxicab operator's permit has been issued. All taxicabs shall display a current taxicab operator's permit issued by the city to signify compliance with this requirement.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-31. Application for taxicab operator's permit.

Each applicant shall:

(1) Be at least 21 years old.

(2) Be a citizen of the United States, an alien admitted for permanent residence, or has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

(3) Have not been convicted of any felony crime within the ten-year period prior to the date of application.

(4) All taxicab drivers licensed by the city shall possess sufficient ability to read, write, speak, and understand the English language to safely and effectively perform the duties of a taxicab driver, including the ability to:

a) Communicate with passengers, law enforcement officers, emergency personnel, and dispatch personnel;

b) Read and understand traffic control devices, street signs, and maps or navigation instructions;

c) Understand and comply with applicable federal, state, and local laws and regulations; and

d) Respond appropriately in emergency situations.

The city may require applicants to demonstrate such proficiency as part of the licensing process.

(5) Applications for a taxicab driver's permit or license shall be submitted on a form developed and approved by the city. Applications for a taxicab driver's permit or license shall be submitted on a form developed and approved by the city.

(6) Each application shall be accompanied by:

a. A valid Georgia driver's license;

b. One fingerprint card prepared by a member of a Georgia law enforcement agency;

c. A driver's history from the Georgia Department of Driver Services containing the applicant's driving record for the previous seven years;

d. Criminal history consent form;

e. Certification that he/she has read and understands this article; and

f. Two current two-inch by two-inch full-faced photographs of the applicant.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-32. Criminal history record check.

The Cleveland Police Department shall conduct an investigation into the criminal history of each applicant for a taxicab operator's permit.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-33. Taxicab operator's permit fee.

Application, permit, renewal, reinstatement, and any other applicable fees required under this article shall be included in the city's established fee schedule. Certificates not renewed by December 31 shall be **deemed void, and the certificate holder must submit a new application in accordance with this article.**

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-34. Health.

All persons driving taxicabs in the city shall be in good health and be capable of safely promoting the work of a taxicab driver.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-35. Consideration of application.

(a) The city manager or designee shall upon consideration of the application approve or deny the taxicab operator's permit.

(b) The following shall be grounds for denial of permit:

(1) Failure to qualify under the criteria set forth in this article.

(2) A driver's history which contains more than five moving violations in the past five years.

(3) Current violation of any existing ordinance of the city.

(c) In the event that the permit is approved, the city manager shall issue the permit to the applicant, the certificate holder:

(1) The permit is valid for the calendar year in which it was issued and shall expire on December 31 of each year unless renewed.

(2) The permit is nontransferable and is valid only for the driver while employed by the certificate holder named on the permit.

(3) The permit shall contain the name, company name and address, race, age, and photograph of the applicant.

(d) In the event the permit is denied, the city manager or designee shall provide notice to the applicant of the denial and the reason or reasons therefor in a manner reasonably calculated to provide actual notice to the applicant.

(e) If the city finds that further taxicab services in the city is required by public convenience and necessity, and that the applicant is able to perform such public transportation and to conform with this article then the city shall issue a certificate in the name of the business as well as the owner named in the application.

(1) To help make its decision, the city manager or designee shall take into consideration the number of existing taxicabs, whether existing transportation is adequate to meet the public need, the effect of this request on local traffic conditions, and the character, experience and responsibility of the applicant.

(2) The total number of taxicabs authorized under certificates issued shall not be greater than one vehicle per 1,000 residents of Cleveland, Georgia. Such population shall be based on the most current census information available from the Untied States Census Bureau.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-36. Suspension or revocation of permit.

A permit may be suspended or revoked by the city manager for the following reasons:

(1) Failure to maintain all of the general qualifications applicable to the issuance of the permit;

(2) Violation of any provision of this article; or

(3) Violation of any traffic law while operating a taxicab.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-37. Driving after a suspension or revocation prohibited.

It shall be unlawful for any person to operate a taxicab during any period in which such permit is suspended or revoked in accordance with the provisions of this article.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-38. Renewal of taxicab operator's permits.

(a) All permits shall expire on December 31 of each year, including the year of issue, but may be reinstated by the city manager, upon a renewal application being made and a determination that the applicant remains qualified as set forth in this article, and upon payment of the appropriate fees.

(1) Each applicant for renewal must submit a driver's history from the Georgia Department of Public Safety for the previous calendar year.

(2) A valid Georgia driver's license.

(3) Proof of liability insurance for each vehicle authorized for injury to any one person, in the amount of $100,000.00 for injuries to more than one person which are sustained in the same accident and $50,000.00 for property damage resulting from any one accident. Such liability insurance shall insure to the benefit of any person who shall be injured or who shall sustain damage to property caused by the negligence of a holder or their agents.

(b) Permits may be renewed only between November 15 and December 31 of each year for the following year. Certificates not renewed by December 31 shall be void and the certificate holder must re-apply as a new applicant in order to obtain a certificate.

(c) Certificate renewal fees as established by the Master Fee Schedule. Occupational tax fees will also apply.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-39. Alteration of permits.

It shall be unlawful for any person to willfully alter, deface or destroy a taxicab operator's permit issued pursuant to this article.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-40. Permit not assignable.

(a) Every person to whom a taxicab operator's permit has been assigned shall return the permit to the city clerk upon discontinuing the operation of a taxicab for the certificate holder named on the permit. Such permit shall not be assigned or transferred to any other person or be valid for any other certificate holder. Permit holders who change employment shall apply to the city clerk's office for an updated permit that reflects the proper certificate holder for which the permitted will be employed.

(b) It shall be unlawful for any permit holder to allow such permit to be used by any other person.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-41. Licenses, permits, subject to future terms and conditions.

Any and all licenses or permits granted pursuant to this article shall be subject to any future ordinances and regulations further regulating and governing the operation of taxicabs, or to additional and other regulations, or changing, modifying or withdrawing in whole or in part the approval or any privilege for the operation of such vehicles, as may in the judgment of the city council be consistent and to the best interest of the public welfare and safety.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-42. Fines and penalties.

Any person, firm, or corporation found guilty of violating any provision of this article shall be punished as provided in section 16-75(c) of this Code.

(Ord. No. 2012-05, 4-9-2012)

Sec. 62-43. Appeal of taxi driver's permit denial, suspension or revocation.

(a) An applicant whose permit is denied or a permittee whose permit is suspended or revoked may request a hearing before council. A request for hearing must be made in writing and addressed to the Cleveland City Clerk, 55 Cantrell Road, Cleveland, GA 30528. The applicant or permittee shall have 15 days from the date of the denial of a permit or notice of a suspension or revocation to request a hearing before the council.

(b) All hearings shall be conducted within five working days of the date the request was received by the City Clerk of the City of Cleveland. The appellant may request one extension of the hearing date.

(Ord. No. 2012-05, 4-9-2012)

Adopted 02-10-25; Effective 02-10-25

ZONING ORDINANCE OF THE CITY OF CLEVELAND, GEORGIA

PREAMBLE

AN ORDINANCE REGULATING WITHIN THE CITY OF CLEVELAND, THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE SIZES OF YARDS, COURTS, AND OTHER OPEN SPACES; THE DENSITY AND DISTRIBUTION OF POPULATION; THE USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, AGRICULTURE, FORESTRY, CONSERVATION, SANITATION, PROTECTION AGAINST FLOODS, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIESTHEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; DEFINING THE POWERS AND DUTIES OF THE PLANNING COMMISSION AND BOARD OF APPEALS AND CITY COUNCIL; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ARTICLE I. ENACTMENT, SHORT TITLE, JURISDICTION, PURPOSE

Sec. 64-11. Enactment clause.

The Mayor and Council of the City of Cleveland, under the authority of the General Planning and Zoning Enabling Act Article IX, Section 2, paragraph 4 of the 1983 Constitution of the State of Georgia and amendments thereto, hereby ordains and enacts into law the following articles and sections:

Sec. 64-12. Short title.

These regulations shall be known and may be cited as "The Zoning Ordinance for the City of Cleveland, Georgia."

Sec. 64-13. Jurisdiction.

These regulations shall govern the use of all land and the developments thereof within the corporate limits of the City of Cleveland.

Sec. 64-14. Purpose and Relationship to the Comprehensive Plan.

The City of Cleveland Zoning Ordinance is designed to implement the provisions of the Comprehensive Plan for the development and use of land. The purpose of these regulations shall be to:

1. Promote the health, safety, morals, order, prosperity, and general welfare of the City;
2. Promote desirable living conditions and the sustained stability of neighborhoods;
3. Promote the proper location, height, bulk, number of stories, and size of buildings and other structures;
4. Promote the proper sizes of yards, courts, and other open spaces;
5. Protect property against blight and depreciation;
6. Lessen congestion on streets;
7. Secure safety from fire, panic, and other dangers;
8. Provide adequate light and air and preventing the overcrowding of land;
9. Avoid undue concentration of population;
10. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other

public requirements;
11. Promote a balance of residential, commercial, and industrial uses throughout the community;
12. Discourage urban sprawl;
13. Encourage the use of ecodevelopment, green building, sustainable development, and LEED (Leadership in Energy and Environmental Design) practices, as defined herein; and
14. Promote the most appropriate use of land, buildings, and structures throughout the City in accordance with the Comprehensive Plan.

ARTICLE II. INTERPRETATIONS AND DEFINITIONS

Sec. 64-2.1. Interpretation of certain terms and words.

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "person" includes a firm, co-partnership, company, corporation, or association.

The word "lot" includes the word "plot" or "parcel."

The word "building" includes the word "structure."

The word "shall" is always mandatory, and not merely directory.

The word "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."

The word "district" shall mean "Zoning District" for the purposes of this chapter.

The word "map" or "zoning map" shall mean "Official Zoning Map of the City of Cleveland" for the purposes of this chapter.

Sec. 64-2.2. Definitions.

For the purposes of this chapter, certain terms of words used herein shall be defined as follows:

Accessory structure: A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principle structure. Examples of accessory structures include, but are not limited to, the following: detached garages and/or carports; storage structures and/or barns; freestanding greenhouses; aboveground swimming pools and pool houses; tennis courts; freestanding workshops; freestanding decks and gazebos; and freestanding ATM bank machines.

Accessory use: A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Acre. For the purpose of this chapter, a measure of land consisting of 43,560 square feet.

Acreage. Acres collectively in a tract of land.

Acreage, gross and/or acre, gross. The collective number of acres in an undeveloped, unimproved tract of land.

Acreage, net. The collective number of acres in a tract of land less the amount of area improved by public streets and roads.

Administrator, zoning. The designated employee for the planning and zoning for the city.

Adolescent treatment facility. A facility established for the treatment and counseling of emotionally disturbed or "troubled" adolescent youth in a highly structured environment which may include housing for a temporary period of time.

Adult entertainment establishments. Any commercial establishment, which has as its primary purpose or business the offer for sale of any book, publication or film/video which depicts nudity, or sexual conduct or engages in services such as bath houses, massage parlors, wrestling parlors or like activity including a nightclub, cabaret, lounge or other establishment which features adult entertainment.

Adult entertainment. Performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specific anatomical areas; any book, publication or film/video which depicts nudity, or sexual conduct, and bath houses, massage parlors, wrestling parlors or like activity including a nightclub, cabaret, lounge or other establishment which features adult entertainment.

Agriculture. Agriculture shall be considered to mean the raising of soil crops and livestock in a customary manner on tracts of land at least twenty (20) acres in size and shall include all associated activities.

Alley. A private or public thoroughfare which affords a secondary means of access to abutting property and not intended for general traffic circulation.

Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, water features, or attractive site design.

Apartment. A dwelling unit for lease or rent within an apartment building or other similar building for occupancy for an extended period of time.

Apartment, accessory. An accessory dwelling which is subordinate to a principal structure or use which may be rented by persons not related to the owner of the property.

Apartment building. A residential building containing three (3) or more dwelling units exclusive of a townhouse building or unit.

Apartments, garden. A multi-family dwelling development consisting of residential buildings two (2) to three (3) stories in height with generous landscaping and recreational areas.

Automotive garage. A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles and motorized vehicles.

The repair of heavy trucks, equipment, and automobile body work shall not be included in this use. The outside storage of unlicensed and unregistered vehicles is prohibited as part of this use. (see "Automotive specialty shop and service station") Outdoor storage shall be limited to eight vehicles per bay.

Automotive minor repair. Automotive maintenance functions including but not limited to the replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, electrical instruments and minor tune-ups involving the changing of spark plugs, points or condenser, and engine block oil changes for passenger cars, vans, and light trucks only. Outdoor storage shall be limited to eight vehicles per bay.

Automotive specialty shop. A use which provides one (1) or more specialized minor repair, sales and/or maintenance functions such as the sale, replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments (such as speedometers and tachometers), radios and sound systems or upholstery for passenger cars, vans, and light trucks only. No use authorized herein shall permit any private or commercial activity which involves the painting, repair, or alteration of the auto body; nor shall any repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or cooling system be permitted, except that minor tune-up involving the changing of spark plugs, points or condenser, including engine block oil changes, are permitted. Outdoor storage shall be limited to eight vehicles per bay.

Bed and breakfast inn. A facility, residential in nature, in which overnight accommodations are provided to visitors for compensation, frequently with a morning meal. A bed and breakfast inn may include an afternoon and/or evening meal for guests. The operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, or conference center.

Berm. An earthen mound or embankment, usually two (2) to six (6) feet in height, designed to screen views, reduce noise, or fulfill other such purposes.

Buffer. A barrier which is created by use of trees or other acceptable plant or vegetative material alone or in combination with berms, fencing, or walls used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, and/or dissimilar uses. A buffer, when required by this chapter, is in addition to the amount of area required by a setback unless otherwise stated. Buffer areas shall be required along all property lines, including those, which abut along a public right-of-way as indicated in this chapter.

Buffer, natural/undisturbed. An existing natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which in the opinion of the planning staff meets the intent of the definition of a buffer.

Buffer, planted/landscaped. A planted natural barrier which contains a stand of evergreen trees or other acceptable vegetative material with a density or intensity which in the opinion of the city planning staff meets the intent of the definition of a buffer.

Buildable area. The portion of a lot remaining and available for construction of a structure after required setbacks, yards, and buffers have been provided. Buildable area cannot contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as floodplain areas, riparian buffer areas, except as otherwise provided in this ordinance.

Building. Any structure which has a roof and which is for the shelter, support or enclosure of persons, animals, or property of any kind.

Building, accessory. A detached, subordinate structure, the use of which is clearly incidental to, customarily associated with, and related to the principal structure or use of the land, and which is located on the same lot as the principal structure or use.

Building, principle. The building containing or to contain the principle use of a lot.

Building height. The vertical distance of a building measured from the average elevation of the finished lot grade along the front of the building to the highest point of the building.

Building line. A building line is one which is no closer to a lot line than the minimum yard setback requirements. (also referred to as yard line)

Building type. The arrangement of structures and their placement next to, above, or below each other. “Single-family detached” and “multifamily attached” are examples of residential building types.

Bumper blocks. Raised concrete wheel stops placed at the head of a parking space to keep a vehicle from encroaching into an adjoining parking space or landscape buffer.

Car wash, principle. A primary or main use which provides space for cleaning vehicles.

Car wash, accessory. A customarily incidental use of an attached or detached bay for cleaning vehicles.

Carport. A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure and not as an accessory structure. A detached carport shall be classified as an accessory structure.

Cemetery, human. The use of property as a burial place for human remains. Such a property may contain a mausoleum.

Cemetery, pet. The use of property as a burial place for the remains of pets. Such a property may contain a mausoleum.

Club or lodge, non-commercial. An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

Cluster development. A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial vehicle. A school bus, commercial bus, or church bus, tractor trailer, tandem rig, or any other vehicle driven for hire or utilized in conducting business affairs, such as transportation of equipment, freight, goods, or individuals.

Communication tower. A structure that is intended to send and/or receive radio, television, or cellular communications. (This term does not include non-commercial shortwave radio towers).

Condominium. A building containing three (3) or more individually owned dwelling units and related, jointly owned, common areas as defined by the laws of the State of Georgia.

Construction vehicle. Any vehicle (other than passenger vehicle, pick-up or panel truck) having a primary purpose of land clearing or grading, hauling, and use in building construction, including but not limited to earth moving equipment such as bulldozers, loaders, backhoes, bobcats, trenching machines and dump trucks.

Convenience store. A use offering a limited variety of groceries, household goods, freshly prepared foods, and personal care items, always in association with the dispensing of motor fuels as an accessory use, but in all cases excluding vehicle service, maintenance, and repair.

Crematory. A facility authorized by the State of Georgia Department of Human Resources, other than a hospital, clinic, or laboratory, in which cremation is performed.

Day care facility. Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more persons.

Density. The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density in single-family attached and multi-family districts shall be gross density which includes all land within the boundaries of the area excluding flood plain areas and standing bodies of water.

Development. The subdividing of land into two (2) or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Dimension stone. Natural stone or rock that has been selected and fabricated (i.e., trimmed, cut, drilled, ground, or other) to specific sizes or shapes.

Dwelling, duplex. A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling, multi-family. A building containing three (3) or more dwelling units, with each dwelling unit having a common wall or common floor connecting it to at least one (1) other dwelling unit in the building.

Dwelling, patio house. A single-family detached dwelling designed around an open court within the interior of the lot, around which rooms are located and oriented. (Also known as an atrium house).

Dwelling, single-family attached. One (1) of a series of two (2) or more single-family dwelling units

on separate lots attached to another dwelling unit on an adjoining lot by a common party wall.

Dwelling, single-family detached. A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, townhouse. One (1) of a group of three (3) or more single-family attached dwelling units under fee simple or condominium or cooperative ownership, as defined by the laws of the State of Georgia, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire- resistant walls. For the purposes of this chapter the term "townhouse dwelling" shall not include a single- story attached dwelling unit.

Dwelling unit. An enclosure of one (1) or more rooms in addition to kitchen and bathroom facilities, but excluding closets, designed or constructed as a unit for residential occupancy by one (1) family.

EarthCraft House certification. A green building program that addresses energy efficiency, durability, indoor air quality, resource efficiency, waste management, and water conservation.

Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

Ecodevelopment. A proactive development approach, whereby actions such as incorporating natural topography, landscaping with native plant species, creating natural stormwater management systems, and decreasing impervious cover are implemented in order to improve water quality, reduce infrastructure needs, and to minimize the negative secondary effects on ecology caused by land development.

Equipment, heavy duty. Includes but is not limited to bulldozers, loaders, backhoes, bobcats, farming equipment, or other similar machinery.

Extended-stay occupancy. Temporary lodging at an establishment providing dwelling units for occupancy for a period of time consisting of no more than a 14-day consecutive day period.

Family. A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability in a permanent and long-term relationship as opposed to one that is short-term or transient.

Family day care. A home occupation in which shelter, care, and supervision are provided for six (6) or fewer persons on a regular basis. A family day care may provide basic educational instruction.

Floor area, gross. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, porches, carports, and garages.

Floor area, net. The sum of all floors of a structure as measured to the outside surfaces of exterior walls, excluding halls, stairways, restrooms, elevator shafts, spaces devoted exclusively to permanent mechanical systems, permanent storage areas, attached and detached garages, porches, balconies, attics with less than seven (7) feet of head room, basements, patios, and decks.

Funeral home. A building used for human funeral services. Such building may contain a chapel and space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and the indoor storage of funeral vehicles. Cremation of the dead may occur within the building.

Green building. A method of building which includes protecting existing trees and natural landscape by clearing only the amount of area needed to construct the building, recycling job site waste, installing high-efficiency water heaters and appliances, using engineered lumber products, recycled building materials and nontoxic building materials, constructing energy-efficient buildings with highly insulated walls and ceilings and double pane windows and installing water conserving landscaping and plumbing, such as the use of native, drought-tolerant plants and low-flow water fixtures, and utilizing fly ash concrete in foundations.

Group home. A dwelling shared by twelve (12) or less persons, excluding resident staff, who live

together as a single housekeeping unit and in a relatively permanent, family-like environment in which staff persons provide assisted living care and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible. This use shall apply to homes for the handicapped.

As used herein, the term "handicapped" shall mean having:

(1) A physical disability that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently;

(2) A record of having such disability; or

(3) Being regarded as having such a disability.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include the following uses:

(1) Alcoholism or drug treatment center;

(2) Work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration;

(3) Medical or psychological treatment center;

(4) Homeless shelter or hospice.

Guest house. A detached accessory dwelling unit located on the same lot with a single-family dwelling unit. The square foot area of a guest house may not exceed fifty (50) percent of the heated and finished floor area of the principal building on the lot or one thousand (1,000) square feet in floor area, whichever is less, and may be used only by family members, guests, or family employees without payment or consideration.

Halfway house. A less permanent and less family-like living arrangement established to help people recovering from drug or alcohol addictions adjust to a drug-free lifestyle. A halfway house may also be used to provide a structured living environment for persons learning to adjust to society after being imprisoned.

Heated floor area. The finished area within a building or structure that is heated by the main central heating system installed to serve said building or structure. For example, the floor area of an unfinished basement of a residential dwelling or an attached garage to a residential dwelling is not included in determining the amount of heated floor area of a residential dwelling. ("Heated floor area" and "living area" shall have the same meaning).

Home occupation. An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a bed and breakfast inn.

Homeless shelter. Charitable, non-profit, short-term housing and/or room and board accommodations for the homeless for which there is no charge, monetary or other, to the person being provided such temporary housing.

Hospice. A home-like facility for the care of terminally ill persons in which food, shelter and nursing care is provided.

Hotel. A facility or building or other structure kept, used maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, and in which five or more rooms are used for the sleeping accommodations of such guests. Motels meeting the qualifications set out herein for hotels are classified in the same category as hotels.

Impervious surface. Any material or surface that prevents absorption of stormwater into the ground. Includes but is not limited to buildings, asphalt and concrete surfaced streets, parking lots, and sidewalks.

Impervious surface, non. All that area of a lot which is not covered by buildings, asphalt or concrete surfaced streets, parking lots, or sidewalks or any other impervious surface.

Industrialized building. A factory-fabricated dwelling or commercial unit built in one (1) or more sections designed to fit together on a permanent foundation but which usually does not originally have wheels for movement and which is constructed in accordance with the Georgia Industrialized Building Act

and which bears the seal of approval issued by the commissioner of community affairs. (Includes the term "modular building").

Infill Development. New construction or redevelopment that occurs on vacant lots or lots having remaining buildable area in otherwise developed locations. Infill projects can take several forms, such as a single-lot development or multi-parcel projects.

Kennel. An establishment in which dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

Leadership in Energy and Environmental Design (LEED). Green building certification system, developed by the U.S. Green Building Council, that provides third-party verification that a building or community was designed and built using strategies aimed at improving performance in energy savings, water efficiency, carbon dioxide emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

Livestock. Domestic animals raised for use and/or sale.

Lot. A lot of record, or any combination of lots of record, held in a single ownership by one (1) person, or in common ownership by more than one (1), which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this chapter for the zoning district in which such tract of land is located and for the use proposed for the tract of land.

Lot, corner. A lot having frontage on two (2) or more public streets at their intersection.

Lot coverage. That portion of the lot that is covered by buildings. Lot coverage excludes paved walkways, drives, and parking areas.

Lot depth. The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot frontage. The shortest lot line adjoining a street right-of-way. A lot line adjoining a stub street shall not be considered as frontage unless it is proposed for access or is the only street frontage. Front yard requirements shall be measured from this lot line. In situations where a multiple frontage lot has equal distance on street frontages, the zoning administrator shall determine the legal lot frontage.

Lot line. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot line, front. The lot line separating a lot from a street right-of-way.

Lot line, rear. The lot line most opposite and most distant from the front lot line.

Lot line, side. Any lot line other than a front or rear lot line.

Lot of record. A lot that exists as shown or described on a plat or deed in the records of the Office of the Clerk of the Superior Court of White County.

Lot of record, substandard. A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

Lot, through. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

Manufactured home. A structure transportable in one (1) or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Such dwelling is regulated by the manufactured home construction and safety standards, of the most recently adopted HUD Code.

Mineral extraction. Severance and/or removal of sand, stone, gravel, top soil, and other mineral resources whenever such severance and/or removal is not conducted in conjunction with a permitted development activity.

Mining, surface. Any activity constituting all or part of a process for the removal of minerals, ores, and other solid matter for sale or for processing or for consumption in the regular operation of a business. Tunnels, shafts, borrow pits of less than 1.1 disturbed acres, and dimension stone quarries, in which

building stone is quarried and prepared in regularly shaped blocks, shall not be considered to be surface mining.

Mobile home. Any trailer, vehicles, or similar portable structure mounted on wheels, or designed for mounting on wheels, intended for dwelling purposes, including structural additions, except camping type trailers parked and unoccupied. Such unit shall be considered a mobile home whether or not the wheels have been removed and whether or not on a permanent foundation.

Mobile home park. A parcel of land which has been planned and improved for the placement of manufactured and mobile homes for non-transient use on leased sites and which may include other facilities such as a grocery store and laundromat established to specifically serve the mobile home park.

Modular structure. A factory-fabricated, transportable structure consisting of units designated to be incorporated at a structure site on a permanent foundation into a structure.

Motel. A facility or building or other structure kept, used maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, and in which five or more rooms are used for the sleeping accommodations of such guests. Motels meeting the qualifications set out herein for hotels are classified in the same category as hotels.

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Non-conforming use. A lawful use of, or vested right to use any building, structure or land existing at the time of the adoption of this chapter or the adoption of any amendment thereto.

Non-subdivided. Any lot having more than one (1) zoning district applicable to said lot.

Nursing home facility. Housing for elderly, chronically, or terminally ill persons in which food, shelter and nursing care is provided for compensation.

Office, professional. Includes, but is not limited to, offices of accounting, auditing, bookkeeping, engineering, architectural, finance, real estate, and insurance professions.

Office, temporary. A trailer, mobile home, manufactured, or modular building which is used as a sales office, on-site construction management office or related functions.

Official zoning map. A legally adopted map that conclusively shows the location and boundaries of zoned districts existing at the time of adoption of said map and any adoption of amendments thereto.

Open space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and protection of environmentally sensitive land areas or natural land features. Excludes streets, drives and yards.

Ordinance. This chapter and all amendments thereto including the Official Zoning Map of the City of Cleveland adopted in conjunction with this chapter.

Outdoor display. The displaying of goods or merchandise outdoors on the property with the intent to advertise for sale said goods.

Outdoor play structure. For the purposes of this chapter, an outdoor play structure shall mean any structure (except pools) erected on a lot for the purpose of recreational use. Includes, but is not limited to, slides, swings, climbing equipment, and play houses. Outdoor play structures shall be considered accessory structures.

Outdoor storage. The keeping, in an unenclosed area, of any goods, salvage, material, merchandise, storage trailers, or vehicles outdoors on the property for more than twenty-four (24) hours. The term "outdoor storage" shall not include the keeping of vehicles or manufactured housing structures on sales lots in districts which allow such sales lots.

Outparcel. A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a site plan approved for the larger parcel.

Owner(s). If a sole proprietorship, the proprietor; if a partnership, all partners (general and limited); if a corporation, all officers, directors and persons holding at least ten (10) percent of the outstanding shares.

Patio Home. A patio home is a type of single-family home that is attached to one or more neighboring homes often of a very similar style. Patio houses are individually owned single-family houses, typically rising only a story or two, with a small yard in front.

Permanent makeup is synonymous with cosmetic tattooing and includes the application of permanent eyeliner, eyebrows, full lip color, re-pigmentation or camouflage using tattooing techniques of placing pigments under the skin. Camouflage, a method of disguising or concealing permanently blotchy or irregularly pigmented skin, acne scarring or other permanent skin irregularities by the use of blending pigments into the skin, is allowed. Tattoo camouflage, using tattooing methods to cover up, mask, or alter an existing tattoo so that it is either rendered less noticeable or takes on a different design, thereby obliterating the original design, is prohibited.

Permitted use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Personal care home. A use in which care is provided for elderly non-family members who are typically provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the physically sick or injured or mentally ill or disturbed.

Personal service establishment. A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated and full-service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, and travel agencies, unless already defined.

Piercing parlor is any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. Does not include the use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

Places of assembly. A building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, or social purposes and may include a banquet hall, private club, or fraternal organization.

Planned development. A tract of land developed under a single ownership or control based on a plan which allows for flexibility of design not available under normal zoning district requirements.

Planned shopping development. Two (2) or more commercial establishments with a total gross floor area of at least forty thousand (40,000) square feet, planned and managed as a single unit with off-street parking and loading facilities provided on the property.

Plat. A map, plan, or layout of a county, city, town, lot, section, subdivision, or development certified by a registered surveyor indicating the location and boundaries of a property or properties.

Prefabricated structure. A structure manufactured at an offsite location and brought to a site as fully assembled for installation.

Recreational vehicle. Boat trailers and any type of portable structure without a permanent foundation, which can be towed, hauled or driven or designed for temporary living accommodations for recreational, camping, and travel use, including, but not limited to, travel trailers, truck campers (on or off the truck), camping trailers and self-propelled motor homes.

Recycling center, collecting. Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials. Such use may be principal or accessory to a non-residential use on non-residentially zoned property.

Recycling center, processing. Any facility utilized for the purpose of collecting, sorting, and processing materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials whenever.

Repair garage, automobile. A use which may provide a full-range of automotive repairs and services including, but not limited to, major overhauls, engine and transmission repair, rebuilding, and replacement and may include paint and body shops. The outside storage of unlicensed and unregistered vehicles is prohibited as a part of this use. Outdoor storage shall be limited to eight vehicles per bay.

Repair garage, heavy equipment. A use which may provide a full-range of repairs and services including, but not limited to, major overhauls, engine repair, rebuilding, and replacement on heavy duty trucks and equipment and may include paint and body shops. The outside storage of unlicensed and unregistered vehicles is prohibited as a part of this use. Outdoor storage shall be limited to eight vehicles per bay.

Religious institution. A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship, or for teaching a particular form of religious belief.

Excludes a religious bookstore or similar retail or wholesale establishment.

Residential. Pertaining to the use of land, means premises such as single-family detached and attached homes, patio homes, townhouses, mobile homes, duplexes, condominiums, or apartment complexes which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

Retail business. A business consisting primarily of buying merchandise or articles in gross and selling to general consumers in small quantities or broken lots or parcels and not in bulk and not for resale.

Retirement center. A residential housing development consisting of building(s) or individual housing units designed for senior adults. This development may include but not be limited to transportation, medical care, food preparation, and the like. Restrictions on this development based on age, declarations, bylaws, homeowners' association, and the like shall not be enforced by the City of Cleveland.

Right-of-way line. The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

Salvage yard. Use of property for outdoor storage, keeping, abandonment, sale, or resale of salvage including scrap metal, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

School. A facility where persons regularly assemble for the purpose of instruction or education including any playgrounds, stadiums, or other structures and grounds used in conjunction therewith. The term "school" shall include, but is not limited to, public and private schools used for pre-kindergarten, primary, secondary, or post-secondary education.

Setback. The required minimum distance between the structure, whether principle or accessory, and any lot line.

Setback line. That line that is the required minimum distance of a structure from any lot line and that establishes the area within which the principal structure must be erected or placed.

Service station. A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. A service station shall be limited to two (2) bays.

Sign, freestanding. A self-contained sign structure of a permanent nature which is wholly independent of any building or other structure. New signs shall be in compliance with the city sign ordinance.

Special use. A use approved by the City Council, in accordance with a public hearing, which authorizes such use which must meet certain standards which may exceed the requirements of the district as a whole.

Street, alley. A street having a minimum right-of-way of twenty (20) feet and which is used primarily as a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Street, arterial. A street which is used primarily for fast and heavy traffic flow, is of considerable continuity, and is used as a traffic artery for inter-transportation between large areas.

Street, local. A street which is used primarily in residential subdivisions for access to abutting properties as opposed to the collection and disbursement of traffic.

Street, major collector. A street which carries traffic from activity centers and minor collector streets to arterial streets.

Street, minor collector. A street which is primarily used as a link between local streets and major collectors or arterial streets.

Street, public. Right-of-way dedicated to the City or owned by the City, or any other state or county public right-of-way.

Street Connectivity. The quantity and quality of connections in the street network. The design of the street network determines how direct or indirect the connections are and governs the number of paths that connect two places.

Structure. Anything constructed, erected, or placed with a fixed location on or in the ground, or attached to something having a fixed location on the ground. The term "structure" shall include, but is not

limited to, buildings, mobile homes, billboards, freestanding signs, swimming pools, fall-out shelters, and truck or van trailers or bodies if detached from the cab of the vehicle and placed on the property to be used as a storage facility. For the purposes of this chapter, privacy walls and/or fences shall not be considered structures.

Structure, accessory. A subordinate structure, customarily incidental to a principal structure or use and is located on the same lot. Examples of accessory structures in residential districts shall include, but is not limited to, tool sheds, guest houses, detached garages, and play sets. Examples of accessory structures in non-residential districts shall include, but is not limited to, storage buildings, freestanding signs, play sets, and detached carwashes.

Structure, principle. A structure in which the principle use or purpose on a property occurs, and to which all other structures on the property are subordinate. Principle shall be synonymous with main and primary.

Subdivision. Any division of a tract or parcel of land into two (2) or more lots, building sites, or other parts for the purpose of immediate or future sale, legacy, or building development. The term includes re-subdivision and any division of land involving a new street, existing street, or a change in existing streets, and, as appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The term does not include the combination or recombination of portions of previously plated lots, where the total number of lots is not increased and the resultant lots meet the standards of the city where no new streets or new utility services are involved.

Subdivision design, conventional. Residential developments where all the land is divided into house lots and streets.

Subdivision design, open space. Residential developments where a percentage of the buildable land area is designated as common undivided, permanent open space.

Surface, all-weather. Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated.

Sustainable development. A pattern of resource use that aims to meet human needs while ensuring that future needs may be met.

Tattoo parlor. A place in which is offered or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, excluding permanent makeup (also known as cosmetic tattooing), by the aid of needles or any other instrument designed to touch or puncture the skin.

Townhouse. A multi-living unit structure in which each living unit and lot is owned in fee simple. Individual dwelling units within a townhouse are separated by a firewall.

Travel trailer. A vehicular portable structure whether self-propelled or pulled by a power unit, designed for temporary occupancy for travel, recreation, or vacation uses. See also "recreational vehicle".

Truck, heavy duty. A vehicle designed for hauling supplies, materials, or other vehicles and which has a weight of four (4) tons or greater empty weight or having a carrying capacity of more than one and one-half (1 1/2) tons.

Truck terminal. A primary use of property where trucks/trailers are temporarily stored, maintained, or based. Trucks/trailers shall have current registration and license plates with decal.

Use, accessory. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Use, principle. The principle purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not

the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Wholesale business. A business primarily engaged in the selling of goods or articles in gross to retailers or jobbers for resale and not to the ultimate consumer.

Wildlife conservation park. A place where animals are kept, often in combination of indoor and outdoor spaces, and are viewed by the public.

Yard. An open space that lies between the principle building or buildings and the nearest line. The minimum required yard as set forth in this chapter is unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter.

Yard, front. A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Yard, rear. A space extending across the full width of the lot between the principle building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, required. The open space between a lot line and the yard line within which no structure shall be located except as provided in this chapter.

Yard, side. A space extending from the front yard to the rear yard between the principle building and the side lot line and measured perpendicular from the side lot line to the closest point of the principle building.

Yard line. A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard. Also referred to as a building line.

Zoning. The power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

Sec. 64-3.1. Zoning districts.

In order that the purposes of this chapter as defined in Article I may be accomplished, there are hereby established within the City of Cleveland, the zoning districts identified as follows:

3.1.1. *AG Agricultural:* The purpose of this district is to encourage the retention and development of suitable areas for common farm practices and various compatible non-farm uses, preservation of open space, the conservation and management of soil, water, air, game, and other natural resources and amenities, and to discourage the creation or continuation of conditions which could detract from the function, operation, and appearance of areas to provide food supplies and to prevent or minimize conflicts between common farm practices and non-farm uses.

3.1.2. *R-1 Single-family Residential:* The purpose of this district is to provide low density residential areas for single-family detached dwellings with minimum lot sizes of fifteen thousand (15,000) square feet.

3.1.3. *R-2 Single-family Residential:* The purpose of this district is to provide orderly development of low-density residential areas for single-family detached dwellings with minimum lot sizes of fifteen thousand (15,000) square feet, and two acres for use of congregate homes, group homes, personal care homes, and related type settings.

3.1.4. *R-3 Single-family Residential:* The purpose of this district is to provide orderly development of high-density residential areas for fee simple row houses, town houses, condominiums, single-family attached, semi-detached, and clustered detached dwellings not to exceed eight (8) dwelling units per gross acre.

3.1.5. *R-4 Multi-family Apartment Residential:* The purpose of this district is to provide orderly development of high-density residential areas for multi-family residential uses not to exceed ten (10) dwelling units per gross acre.

3.1.6. *PR-D Planned Residential Development:* The purpose of this district is to provide suitable areas for development of planned communities at a density that allows a full range of residential uses and housing types; neighborhood retail, service, and office uses; and open space. The residential area may include single-family detached dwellings and/or attached dwellings such as patio homes, condominiums, or townhouses, and apartments.

3.1.7. *PC-D Planned Commercial Development:* The purpose of this district is to provide suitable areas for development and redevelopment of commercial properties with the flexibility to allow a full range of uses and designs for retail, service, and/or office centers; outparcels; infill buildings; and open space.

3.1.8. *PM-U Planned Multiple Use:* The purpose of this district is to provide orderly development of areas in which residential, professional, commercial retail and services, financial, educational, and institutional uses can be compatibly mixed while maintaining a healthy living environment for the residents of the district.

3.1.9. *B-1 Central Business District:* The purpose of this district is to enhance and preserve the historic Courthouse Square and it's approaching corridors of the City while providing for a small scale local sales, services, hospitality, dining, entertainment and professional offices and also providing for residential dwellings within existing commercial and office buildings in the district and in close proximity to the courthouse square.

3.1.10. *B-2 Highway Commercial District:* The purpose of this district is to provide for and encourage the proper grouping and development of highway and arterial uses which include a wide variety of sales and services that will accommodate the needs of the City and the traveling public in order to reduce highway traffic congestion, traffic hazards, and blight along the major public streets of the City.

3.1.11. *P-I Public/Institutional:* The purpose of this district is to provide areas for public land, parks, governmental buildings and facilities, cemeteries, crematories, and educational and institutional uses.

3.1.12. *L-I Light Industrial:* The purpose of this district is to provide and protect areas for those industrial uses which do not create noise, odor, smoke, dust or other emissions and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods or other uses

permitted in the district, and provide areas for other uses as permitted.

3.1.13. *H-I Heavy Industrial:* The purpose of this district is to provide and protect areas for those industrial uses which cannot comply with the regulations of the L-I district but do comply with all state and federal guidelines for emissions and discharge of effluents into the air, water, and soil, and to provide areas for other uses as permitted. All H-I uses require a conditional use or a special use permit from the City Council.

Sec. 64-3.2. Zoning map.

The boundaries of each district are shown on a map entitled "Official Zoning Map of the City of Cleveland, Georgia", dated and certified by the Mayor and City Clerk. Said map and all explanatory matter thereon accompanies and is hereby made a part of this chapter and the original Official Zoning Map of the City of Cleveland shall be kept in the recorded minutes in the city clerk's office.

Accurate copies of the Official Zoning Map of the City of Cleveland, Georgia shall be on file, in hard copy or in a digital format, in the office of the zoning administrator at all times. Said map shall accurately show all map amendments made in accordance with the provisions of this chapter, and the date when said amendments became effective. It shall be the duty of the zoning administrator to see to it that the zoning map, whether displayed in his/her office in hard copy or available in digital format, is kept up-to-date and accurately shows all amendments.

Sec. 64-3.3. Interpretation of zoning district boundaries.

When uncertainty exists with respect to the location of boundaries of any zoning district as shown on the Official Zoning Map of the City of Cleveland, Georgia, the following rules shall apply:

3.3.1. Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately following the centerline of a street, highway, railroad right-of-way line, stream bed or river bed; such centerline shall be construed to be such district boundaries.

3.3.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3.3.3. Where district boundaries are indicated on the zoning map as approximately following the corporate limit line of the City, such corporate limit lines shall be construed to be such district boundaries.

3.3.4. Where district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream, or river, and parallel thereto, then such district boundaries unless otherwise specifically indicated, shall be construed as being at the scaled distance from the centerline of such street, road, highway, railroad, stream, or river and as being parallel thereto.

3.3.5. Where a public road, street, alley, or other right-of-way is officially vacated or abandoned, the zoning applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, alley, or right-of-way.

3.3.6. Where a district boundary divides a lot existing on or before October 15, 2024, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps. Property owners may request the City rezone the entire property to one of the existing zonings or subdivide the property along the district boundary provided all lot standards are achieved for each newly created lot.

ARTICLE IV. GENERAL PROVISIONS

Sec. 64-4.1. Interpretation and application.

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abolish, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land, buildings, or structures, or upon the height of buildings, or structures, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the provisions of these regulations shall govern.

Sec. 64-4.2. Zoning affects all land and buildings.

No buildings, structures, or land shall be used or occupied; and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with the regulations of this chapter.

Sec. 64-4.3. Every use must be upon a lot.

No building or structure may be erected or use established unless upon a lot as defined by this chapter unless otherwise noted.

Sec. 64-4.4. Only one (1) principle building per lot.

Except as herein after provided, there shall be no more than one principle building or structure upon any lot in a single-family residential district.

Sec. 64-4.5. Open space not to be encroached upon.

No open spaces shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this chapter for the district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall be construed not to be encroachments of yards. Refer to section 4.20 of this chapter.

Sec. 64-4.6. Required open space may not be used by another building.

No part of any yard, other open space, or off-street parking or loading space required or in connection with any building, structure or use by this chapter shall be considered to be part of a required yard, or other open space, or off-street parking or loading space for any other building structure or use unless otherwise noted.

Sec. 64-4.7. Reduction of yards or lot area.

Except as provided in section 4.18 of this chapter, no lot existing as of October 15, 2024 shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this chapter for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

Sec. 64-4.8. Encroachment on public rights-of-way.

No privately owned structures other than driveways, access walkways, and mailboxes shall be permitted within a public right-of-way. Signs and other structures belonging to the State of Georgia, White

County, and the City of Cleveland, or for the purposes of railroad or utility use are exempt from this provision provided they are properly permitted, and agreement provisions are in place with the City of Cleveland.

Sec. 64-4.9. Accessory uses, buildings or structures.

Accessory uses, buildings, or structures on residential lots shall be located within a rear yard only and be a minimum of ten (10) feet from all property lines which do not abut a street right-of-way. A detached garage or carport may be allowed in a side yard of a residential lot and, if so placed, shall comply with the side yard setback requirements of the district. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two or more streets other than an alley, an accessory structure may be allowed in a side yard and, if so placed, shall comply with the side yard setback requirements of the district.

Accessory uses, buildings, or structures on non-residential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. The following accessory uses, buildings, or structures on non-residential lots may be allowed in a front yard of a non-residential lot and, if so placed, shall comply with the front yard setback requirements of the district: ATMs (automated teller machines) and service stations.

All accessory uses, buildings, or structures in all zoning districts shall be subordinate to the principle structure. An accessory building's floor area shall be no larger than fifty percent (50%) of the principle structure floor area. Accessory structures shall not exceed the height of the most prevalent roof top of the principle building on the property.

Outdoor play structures or play sets in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only or indoors and shall comply with the required yard setbacks of the district.

All site plans for multi-family, commercial, and industrial buildings shall include a covered solid waste container pad that has easy and safe access for a front-end loader. Solid waste containers shall be screened from all streets and adjoining properties with a solid, opaque fence or wall.

An amenity, as defined by this chapter, shall not be considered an accessory structure.

Sec. 64-4.10. Every lot shall abut a street.

No building shall be erected on a lot which does not have immediate frontage on at least one public street or private street as allowed by the City of Cleveland Development Regulations, for a distance of not less than the minimum allowed frontage for said lot as described in the development standards section of the applicable zoning district, except as provided for in planned developments.

Sec. 64-4.11. Lots with multiple frontages.

Front yard setback requirements shall apply to all yards having road frontage.

Sec. 64-4.12. Visibility at intersections.

On corner lots within all zoning districts no fence, shrubbery or other obstruction to the traffic sight vision, except utility poles or light or sign standards, shall exceed a height of three (3) feet within a triangular area formed by the intersection of the right-of-way lines of two (2) streets or a street intersection with a railroad right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each twenty (20) feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least ten (10) feet above the finished grade shall be permitted.

Sec. 64-4.13. Uses prohibited.

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or as a special use, then such use, class of use, or structures for such uses, shall be

prohibited in such district.

Sec. 64-4.14. Zoning of annexed areas.

Areas annexed to the City of Cleveland shall be zoned when formally requested and approved with the annexation petition. Initial zoning of annexed property shall be charged the required fee for zoning amendments as stated herein.

Sec. 64-4.15. Emergency shelters.

Emergency shelters for the purpose of protecting individuals from life threatening weather storms or other emergencies shall be permitted as an accessory structure in all zoning districts and shall meet the setback requirements of such structures in the district.

Sec. 64-4.16. Fences and walls.

No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic. In all residential zoning districts, fences and/or walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard. In all commercial zoning districts, fences and/or walls shall not exceed eight (8) feet in height in a side or rear yard.

In all residential and commercial zoning districts, any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator; provided that no fence or wall shall be constructed of exposed concrete block, tires, junk or other discarded materials, with the following exceptions:

1. Chain-link fencing material may be used with prior approval of a variance by the City Council.
2. For a corner lot or double frontage lot in a residential zoning district, a screening or opaque fence may be installed to the rear of the principle structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. Fences within the Agricultural District that are customary to standard agricultural practices are exempt from the above requirements.

In all residential and commercial districts, razor wire (ribbon) shall be prohibited. In all residential and commercial districts, no retaining wall shall be constructed of exposed concrete block.

Sec. 64-4.17. Buffer and screening requirements.

Buffers or screening as required by this chapter are subject to review and approval by the zoning administrator. The following are required standards for buffers and shall be utilized by the zoning administrator in reviewing development plans:

1. Buffers shall be designated on the site plan and required plats as permanent buffer strip or area.

2. Buffers shall be natural/undisturbed areas of existing mature trees, which meet the intent of the definition of buffer. Where substantially devoid of existing trees, or where it is necessary to disturb the existing natural area, a planted/landscaped buffer shall be established in accordance with this section.
3. Buffers shall be established and maintained along required adjoining property to meet the minimum width requirements as stated within the City of Cleveland Standard Development Specifications.
4. Buffers shall provide year-round visual screening.
5. Buffers that utilize trees and/or other vegetation shall be installed not only to provide visual screening, but to allow for proper plan growth and maintenance.
6. Buffer design shall be integrated with the overall design concept of the project.
7. Existing tree cover and natural vegetation shall be undisturbed for areas designated as natural/undisturbed except for the addition of supplemental plantings or other approved screening, devices, or for the provision of required access or utility crossings. Where a buffer is substantially devoid of trees and shrubbery, or where a planted/landscaped buffer is proposed by the developer, grading may be allowed within the buffer area prior to replanting or the provision of other screening devises as required.

Sec. 64-4.18. Substandard lots of record.

Any lot of record existing as of October 15, 2024, which has an area or a width which is less than required by this chapter shall be allowed to be developed providing the setbacks of the district are maintained.

Sec. 64-4.19. Structures permitted above the height limit.

For non-residential districts, the height limits of these regulations shall not apply to a church spire, belfry, cupola, dome, or ornamental tower not intended for human occupancy, historical monument, water tower, observation tower, power line tower, chimney, flag pole, mast or aerial and parapet walls not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.

Sec. 64-4.20. Outdoor lighting.

Parking lot outdoor lighting shall be directed away and shielded from abutting residential districts. All freestanding outdoor lighting fixtures erected on private non-residential properties shall have a maximum height of forty-five (45) feet. Freestanding outdoor lighting fixtures erected on private residential properties and freestanding public street lighting fixtures in residential subdivisions and neighborhoods shall have a maximum height of thirty-five (35) feet.

Sec. 64-4.21. Home occupations.

A home occupation as defined by this chapter shall be governed by the following requirements:

1. Only residents of the dwelling may be engaged in the home occupation.
2. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
3. There shall be no display, stock in trade, or commodity sold on the premises, and no mechanical equipment used except such as is commonly used for purely domestic household purposes.
4. Use of the building for a home occupation shall not exceed thirty percent (30%) of one (1) floor of the principle building (excludes a family day care use).
5. No alterations inconsistent with the residential use of the building shall be permitted.
6. The occupation shall not constitute a nuisance in the neighborhood.

7. No more than one (1) accessory building or outside storage shall be used in connection with the occupation.
8. Instructions in music shall not create sound at an audible level which may be a nuisance to neighboring properties.
9. Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the home occupation.
10. No commercial equipment such as landscaping equipment or machinery associated with construction, grading, or hauling shall be allowed to be stored or parked on the property.
11. No signage shall be allowed for the home of occupation.
12. Customer parking shall be limited to the driveway of the residential dwelling.
13. All home occupations must have an occupational tax certificate.

Sec. 64-4.22. Temporary office trailers or modular buildings.

The use of trailers or modular buildings for construction offices shall be allowed on a construction site only and must be removed within thirty (30) days of the issuance of a certificate of occupancy; the use of trailers or modular buildings for on site real estate sales offices shall be allowed on a site for a period not to exceed twenty-four (24) months.

Sec. 64-4.23. Outdoor storage.

Outdoor storage shall be allowed in B-2, L-I, and H-I districts only. In B-2 and L-I districts, outdoor storage must be located in a side or rear yard and screened from all rights-of-way, and residential districts that abut the outdoor storage area. Such storage shall be screened in accordance with the requirements under section 4.17 of this ordinance. In B-2 and L-I districts, the use of trucks, truck bodies, enclosed containers, campers, recreational vehicles, or other types of motor vehicles for storage is prohibited. This section does not apply to incidental outside storage on properties in residential districts.

In the B-2 district, neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axels) may be used as storage buildings. This shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor-trailer rigs, railroad box-cars, shipping containers etc. The storage of new or used tires on any B-2 district property is prohibited unless the same are stored within an enclosed building or garage. It is illegal to discard or abandon tires on any property other than a lawful landfill.

In all residential districts and uses outdoor storage must be located in the rear yard and screened from neighboring property. This includes, but not limited to recreational vehicles, boats, trailers, etc. Neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axels) may be used as storage buildings. A permit is required for all accessory storage buildings.

Sec. 64-4.24. Outdoor displays and yard sales.

The displaying of goods or merchandise for sale outdoors on the property shall be allowed for goods or merchandise normally used in the outdoors. Merchandise allowed to be displayed outdoors includes, but is not limited to, lawnmowers, wheelbarrows, lawn furniture, barbecue grills, play sets, and manufactured out buildings. The keeping of goods or merchandise outdoors on the property, longer than a twenty-four (24) hour period shall be considered outdoor storage and shall comply with outdoor storage requirements in section 4.26 of this chapter. This section shall not apply to vehicle or manufactured housing sales lots.

Yard sales and garage sales (or carport sales) shall be permitted on any residential lot no more frequently than once per calendar quarter. Such sale may not continue for more than forty-eight (48) hours. Yard sales shall be permitted on any commercial or industrial use lot no more frequently than once per calendar month. Such sale may not continue for more than forty-eight(48) hours.

Sec. 64-4.25. Movable Modular Storage Units

Movable modular storage units, also known as storage pods, are permissible temporary structures, provided that such structures are located in compliance with the following standards:

1. The duration shall be limited to twenty-eight (28) days per calendar year.
2. The storage pod may be placed on a paved or unpaved surface. When the location of the storage pod is on an unpaved surface, the permit shall be conditioned upon the requirement that grass, sod, or landscaping shall be restored after removal of the storage pod.
3. The storage pod may be placed in a front, side, or rear yard.
4. The storage pod shall be placed at least fifteen (15) feet from any property line.
5. The storage pod shall not be placed within an easement, stormwater area, or required buffer.
6. The storage pod shall not obstruct pedestrian access or vehicular site lines.

Sec. 64-4.26. Ground-based direct broadcast satellite dishes.

Ground-based direct broadcast satellite dishes shall be considered accessory structures and shall not be placed within a road right-of-way. Ground-based direct broadcast satellite dishes greater than one meter (39.37 inches) in diameter shall be placed in a side or rear yard only and shall be a minimum of fifteen (15) feet from all property lines.

Sec. 64-4.27. Zoning of non-subdivided property.

A non-subdivided lot under single ownership may have more than one (1) zoning district applicable to said lot, provided that the following conditions are met:

1. No zoning districts can overlap.
2. In addition to required buffers and setbacks from the property lines additional buffer and setbacks and other development standards shall be required from the zoning district line pursuant to the development standards for all adjacent zoning districts, as if said zoning district line is a property line, and said lot be in compliance with said development standards.
3. Prior to any building permits being issued the lot must be subdivided in accordance to the requirement of the City of Cleveland Code of Ordinances including the City Development Regulations.
4. All property regardless of zoning must have the required minimum frontage pursuant to the requirements of each zoning district which affects any lot.

Sec. 64-4.28. Grant of Administrative and Utility Relief.

When requested by an applicant, Administrative Relief may be granted by the City Council upon such procedures and standards set by the adopted policy of the City Council for Administrative and Utility Relief. Administrative Relief is a modification of ten (10) percent or less of any numeric standard in the proposed development.

In approving an application for Administrative Relief, the Administrator must determine:

1. The application is consistent with the intent of the applicable standards for which relief is requested;
2. That there are practical difficulties that prevent the strict adherence to the code requirements for which relief is requested; and,
3. The request of relief is the minimum amount necessary to eliminate the practical difficulty.

Utility Relief may be granted by the City Council upon meeting such standards and procedures as set forth by the adopted policy of the City Council for Administrative and Utility Relief. Utility Relief may include, but is not limited to, a modification in the cost and application of utility connection fees included in a proposed development.

ARTICLE V. AGRICULTURAL DISTRICT REGULATIONS

Sec. 64-5.1. AG Agricultural district.

5.1.1. *AG district scope and intent.* Regulations set forth in this section are the AG district regulations. The AG district is intended to encompass lands devoted to a wide range of agricultural and closely related uses as further described in section 3.1.1 of this chapter.

5.1.2. *Use regulations.* Within the AG district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Agriculture uses including the production of field crops, fruits, nuts, vegetables, forestry products and animal grazing. Heavy commercial agricultural operations and uses such as feedlots and swine and poultry raising and similar uses are not permitted.
- Farm structures, including barns, grain storage facilities, implement sheds and other structures accessory to agricultural uses are allowed meeting required setbacks from all property lines.
- Residences, single-family detached, provided that such dwelling is farm related and subordinate to the principal use of the property for agricultural uses or for intra-family uses.
- Residences, manufactured homes, provided that such dwelling is farm related and subordinate to the principal use of the property for agricultural uses or for intra-family uses.
- Bed and breakfast inn
- Community fairs.
- Dairy farming.
- Farm Wineries, tasting rooms and associated dining facilities
- Greenhouses and aqua-culture.
- Guest houses
- Home occupations.
- Horticulture.
- Hospital or clinic, animal.
- Animal grooming and temporary boarding
- Parks, private.
- Plant nurseries.
- Public utility facilities.
- Radio, television and communication towers.
- Religious institutions
- Riding stables.
- Roadside stands (produce sales).
- Vacation rental follow all city short-term rental code requirements.
- Agri-tourism, heritage tourism, wedding tourism facilities, and attractions with required driveway access improvements, parking facilities, utility improvement and provided that all structures and activity areas are buffered and located a minimum of one hundred (100) feet from the boundary of any other land use district.
- Farm Distilleries and breweries, tasting rooms and associated dining facilities (C)* Conditional Use required.

B. *Accessory uses.* A building or land may be used for uses customarily incidental to any permitted use.

5.1.3. Development standards.

A. *Height regulations.* No buildings or structures (except silos, granaries, windmills, barns, commercial antennas or towers, amateur radio antennas, or other structures related to the operation of an agricultural

enterprise) may exceed a height of thirty-five (35) feet or two and one-half (2 1/2) stories, whichever is higher.

B. *Front yard setback,* 40 feet.
C. *Side yard setback,* 25 feet.
D. *Rear yard setback,* 40 feet.
E. *Minimum development area,* 10 acres.
F. *Minimum lot width at the building line,* 100 feet.
G. *Minimum lot frontage,* 35 feet adjoining a street.
H. *Minimum heated floor area,* 1,100 square feet for single-family dwellings, including manufactured housing.
I. *Manufactured housing requirements*
    1. *All dwellings units shall meet the current requirements of the US HUD regulations*.
    2. *All dwellings shall be firmly attached to a permanent, continuous foundation around the entire perimeter of the of the dwelling so as to be watertight as required by the construction code*.
    3. *The wheels, pulling mechanism and tongue shall be removed prior to placement*
    4. *All dwelling shall have a minimum roof pitch of 3/12 and shall have a minimum roof overhang of twelve inches.*
    5. *All dwellings shall provide a minimum of two (2) points of ingress and egress*

J. *Accessory use, building and structure requirements.* Accessory uses, buildings, and structures which are not intended for use or used for the agricultural operation are subordinate to the residential dwelling shall be located in a side or rear yard and shall meet the required setbacks of the district.

K. Other required standards.

1. *Buildings and structures.* Buildings and structures which are intended for use or used for the housing or shelter of farm animals, and silos, granaries, windmills, barns, and similar structures which are related to the operation of an agricultural enterprise shall observe a minimum setback of one hundred (100) feet from any property line.
2. *Veterinary hospital or clinic.* All structures and outdoor activity areas associated with a kennel, veterinary hospital, or clinic shall be a minimum of one hundred (100) feet from any property zoned or used for residential purposes.
3. *Riding stables:* If such use adjoins a residential district, all stable structures shall be a minimum of two hundred (200) feet from any residence on an adjoining property. Such stables shall be a minimum of one hundred (100) feet from all property lines.

ARTICLE VI. SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

Sec. 64-6.1. R-1 Single-family dwelling district.

6.1.1. *R-1 District scope and intent.* Regulations set forth in this section are the R-1 district regulations. The R-1 district encompasses lands devoted to low density residential areas and closely related uses as further described in section 3.1.2 of this chapter.

6.1.2. *Use regulations.* Within the R-1 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings or uses.
- Accessory apartments (CU)*
- Amenities (as defined by this chapter).
- Bed and breakfast inn and vacation rental
- Day care facilities, in home. (CU).*
- Family day care. (CU)*
- Guest house. (CU)*
- Home occupations.
- Parks, private.
- Public utility facilities.
- Religious institutions (CU).*
- Schools, private (CU).*
- Single-family detached dwellings.

*Conditional use approval required.

6.1.3. Development standards.

A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet.
B. *Front yard setback,* 40 feet.
C. *Side yard setback,* 15 feet.
D. *Rear yard setback,* 25 feet.
E. *Minimum lot area.* 15,000 square feet.
F. *Minimum lot width at the building line on non-cul-de-sac lots,* 100 feet.
G. *Minimum lot frontage.* 25 feet adjoining a street.
H. *Minimum heated floor area,* 1,150 square feet.
I. Accessory use, building, and structure requirements.

J. *Accessory Apartment and Guest house.* In addition to standards required in this chapter, the following standards shall be met for an accessory apartment or guest house:

1. No more than one (1) accessory apartment or guest house structure per lot.
2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
3. A guest house shall be temporarily occupied by relatives or guests only.
4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principle building.
5. A guest house structure shall comply with the principle setbacks of the district.
6. A guest house shall not be allowed in the front yard.
7. A guest house shall not exceed the height of the principle building on the lot.
8. Requires owner-occupancy of the principle building on the lot.

Sec. 64-6.2. R-2 Single-family dwelling district.

6.2.1.*R-2 district scope and intent.* Regulations set forth in this section are the R-2 district regulations. The R-2 district encompasses lands devoted to low density residential areas, group housing settings, and closely related uses as further described in section 3.1.3 of this chapter.

6.2.2. *Use regulations.* Within the R-2 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings or uses, subordinate to the principle use of the property.
- Amenities (as defined by this chapter).
- College and universities dormitory housing (CU)*
- Congregate homes (CU)*
- Day care facilities (CU).*
- Family day care (CU)*
- Group homes (CU) *
- Guest house, subordinate to group home setting. (CU)*
- Home occupations.
- Manufactured homes
- Parks, private.
- Personal care homes and assisted living centers (CU).*
- Public utility facilities.
- Religious institutions (CU).*
- Schools, private (CU).*
- Single-family detached dwellings.
- Vacation rental.

* Conditional use approval required
*Special use approval required.

6.2.3. Development standards.

A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet.
B. *Front yard setback,* 40 feet.
C. *Side yard setback,* 15 feet.
D. *Rear yard setback,* 25 feet.
E. *Minimum lot area,* 15,000 square feet for single family detached dwellings or manufactured home; 2 acres all other uses.
F. *Minimum lot width at the building line on non-cul-de-sac lots,* 100 feet.
G. *Minimum lot frontage,* 25 feet adjoining a street.
H. *Minimum heated floor area,* 1,100 square feet single family, including manufactured homes; 2,500 square feet all other group housing uses
I. *Accessory building, and structure requirements*. No accessory use shall be greater than 250 square feet and shall be located at the rear of the property.
J. *Manufactured home requirements*.
   1. *All dwellings units shall meet the current requirements of the US HUD regulations*.
   2. *All dwellings shall be firmly attached to a permanent, continuous foundation around the entire perimeter of the of the dwelling so as to be watertight as required by the construction code*.
   3. *The wheels, pulling mechanism and tongue shall be removed prior to placement*
   4. *All dwelling shall have a minimum roof pitch of 3/12 and shall have a minimum roof overhang of twelve inches.*
   5. *All dwellings shall provide a minimum of two (2) points of ingress and egress.*

K. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:

1. No more than one (1) accessory apartment or guest house structure per lot.
2. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
3. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principle building.
4. A guest house structure shall comply with the principle setbacks of the district.
5. A guest house shall not be allowed in the front yard.
6. A guest house shall not exceed the height of the principle building on the lot.
7. Requires owner-occupancy of the principle building on the lot.

Sec. 64-6.3. R-3 Single-family dwelling district.

6.3.1 R-3 district scope and intent. Regulations in this section are the R-3 district regulations. The R-3 district identifies land areas for a variety of housing types in a single-family use within a planned community setting as further described in section 3.1.4 of this chapter. The R-3 district is intended to:

A. Encourage the development of higher density, fee simple, planned communities;
B. Encourage flexible and creative concepts in site planning;
C. Preserve the natural amenities of the land by encouraging scenic and functional open space areas;
D. Provide for an efficient use of land; and
E. Provide a stable residential environment compatible with surrounding residential areas.

6.3.2 Use regulations. Within the R-3 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

- *Permitted uses.* Structures and land may be used for only the following purposes:
- Accessory buildings or uses.
- Amenities.
- Bed and breakfast inn and vacation rental
- Condominiums
- Clustered cottage detached dwellings
- Day care facilities, in home. (CU).*
- Duplex dwellings
- Family day care. (CU)*
- Home office occupations.
- Parks, private.
- Public utility facilities.
- Row houses
- Single-family attached, semi-detached, and detached dwellings.
- Town houses

*Conditional use approval required.

6.3.3 Master plan. A preliminary master plan of the development shall be submitted to the zoning administrator at the time of filing for rezoning to the R-3 zoning district. The preliminary master plan shall contain a list of the proposed uses. Any use not specifically designated as a permitted use shall be prohibited. Said plan shall be prepared by an architect, landscape architect, engineer, or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such. The master plan shall include an analysis on traffic impacts, utility infrastructure and city services, community access and pedestrian connectivity.

6.3.4 Use regulations. Within the R-3 district, land and structures shall be used in accordance with the list of proposed uses as submitted in the master plan. Any use not specifically designated as a permitted use shall be prohibited.

6.3.5 Development standards.

A. *Height regulations.* Single-family residential buildings shall not exceed a height of thirty-five (35) feet..

B. Minimum lot area per dwelling unit.

- As specified in conditions of zoning in master plan.
- Townhouse, Rowhouse attached, 2,200 sq. ft.

C. Maximum density

- Condominium 10 units per gross acre.
- All other uses, 8 units per gross acre

D. Minimum heated floor area per unit.

- Condominium
  - *3-bedroom,* 1,200 sq. ft.
  - *2-bedroom,* 950 sq. ft.
  - *1-bedroom,* 800 sq. ft.
  - *Studio/loft (in existing buildings),* 675 sq. ft.
- Townhouse, Rowhouse attached
  - 1,100 sq. ft., not including garage
- Clustered cottage detached dwellings
  - 800 sq. ft. heated, minimum 2 acre development 8 units/acre density, 20 percent open or green space (not including setbacks).

E. *Minimum lot width.* As specified in conditions of zoning ln master plan.
F. *Minimum R-3 development frontage,* 60 feet
G. *Minimum lot frontage.* As specified in conditions of zoning.
H. *Perimeter setback entire R-3 development.* As specified in conditions of zoning in master plan.
I. *Interior setbacks.* As specified in conditions of zoning in master plan.
J. *Minimum lot area.* 15,000 square feet, single family homes (not clustered cottages)
K. *Minimum heated floor area.* 1,150 square feet, single family homes (not clustered cottages).
L. *Accessory structure requirements.*
M. Minimum building separation.

1. Front to front, 30 feet.
2. Front or rear to side, 30 feet.
3. Side to side, 10 feet.

N. *Minimum buffer requirements.* As specified in conditions of zoning in master plan.
O. *Minimum open space requirements.* As specified in conditions of zoning in master plan.

Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping.

P. The front building façade of all principle non-residential buildings shall be oriented toward street fronts or adjacent arterial street fronts.

ARTICLE VII. MULTI-FAMILY DWELLING DISTRICT REGULATIONS

Sec. 64-7.1. R-4 Multi-family dwelling district.

7.1.1. *R-4 district scope and intent.* Regulations set forth in this section are the R-4 district regulations. The R-4 district is intended to provide land areas for high density apartment dwellings as further described in section 3.1.5 of this chapter which will:

A. Encourage attractive apartment development;
B. Encourage the provision of recreation areas and facilities;
C. Be located in areas of intense development near or adjacent to downtown, major retail shopping, employment centers, arterial, and major collector streets; and
D. Be located so as to provide a transition between medium to high density residential areas and non-residential areas.

7.1.2. *Use regulations.* Within the R-4 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings and uses.
- Amenities.
- Apartments..
- Clubs or lodges (non-commercial) (CU).*
- College and universities dormitory housing (CU)*
- Condominium dwellings.
- Day care facilities (CU).*
- Duplex dwellings.
- Family day care.(CU) *
- Group homes (SU).*
- Home office occupations.
- Parks, private.
- Personal care homes (SU).*
- Public utility facilities.
- Religious institutions (CU).*
- Recreation and health centers.
- Retirement centers (CU).*
- Schools, private (CU).*

*Conditional use approval required
*Special use approval required.

7.1.3. Development standards.

A. *Height regulations.* Buildings shall not exceed a height of fifty (50) feet.
B. *Front yard setback,* 40 feet
C. *Side yard setback,* 25 feet (adjacent to interior lot line or street).
D. *Rear yard setback,* 25 feet.
E. *Minimum lot width,* 100 feet (throughout depth from front to rear lot line).*Minimum lot frontage,* 100 feet adjoining a street.
F. *Maximum density,* 10 units per gross acre
G. Minimum lot area, 5 acres.
H. Minimum heated floor area per unit.

- *3-bedroom and duplex dwellings,* 1,000 sq. ft.
- *2-bedroom,* 850 sq. ft.
- *1-bedroom,* 700 sq. ft.
- *Studio/loft (in existing buildings),* 650 sq. ft.
- *Group home setting,* 2,500 sq. ft.

I. *Accessory use, building and structure requirements.*
J. *Minimum building separation.* The minimum distances between buildings shall be as follows:

1. *Front to front,* 50 feet.
2. *Front or rear to side,* 50 feet.
3. *Side to side,* 20 feet.

K. *Minimum buffer requirements.* In addition to required setbacks, a twenty-five (25) foot wide screened buffer shall be required along all property lines which abut a single-family district or a ten (10) foot screened buffer adjacent to all other districts.

L. *Minimum open space requirements.* Twenty percent (20%) of gross acreage shall be set aside as open space and provisions shall be made for common areas within said open space for the use of residents of the development. Streets, parking areas, required yards, and required buffer zones shall not be counted as part of the minimum open space. Such area may serve as passive areas and/or developed for recreational purposes such as pools, playground equipment, walking trails, or basketball and tennis courts.

M. Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.

N. Other required standards.

1. Principle structures within the R-4 district shall have a minimum of fifty percent (50%) finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.

O. Refuse areas (dumpsters) shall be placed in the least visible location from public streets and shall be covered and enclosed on three sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.

Q. Light fixture poles cannot exceed forty (40) feet in height. All site lighting shall be directed onto the site.

R. Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall not be taller than five (5) feet in height and shall be vinyl coated, with one of the following colors: hunter green or black.

S. *Building massing*. Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.

T. *Color*: Fluorescent colors shall not be employed except as accent colors.

U. Other required standards.

1. All multi-family units shall have a minimum of fifty percent (50%) finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.
2. Landscape Plan
3. Fire/Life Safety Requirements

V. An analysis on traffic impacts, utility infrastructure and city services, community access and pedestrian connectivity, and schools shall be provided in the application.

ARTICLE VIII. PLANNED DEVELOPMENT DISTRICT REGULATIONS

Sec. 64-8.1. PR-D Planned Development district.

8.1.1. *PR-D District scope and intent.* Regulations in this section are the PR-D district regulations. The PR-D district identifies land areas for a variety of housing types in a multiple use district of residential and some commercial services within a planned community setting as further described in section 3.1.6 of this chapter. The PR-D district is intended to:

A. Encourage the development of large tracts of land as planned communities;
B. Encourage flexible and creative concepts in site planning;
C. Preserve the natural amenities of the land by encouraging scenic and functional open space areas;

D. Provide for an efficient use of land; and
E. Provide a stable residential environment compatible with surrounding residential areas.

8.1.2. *Master plan.* A preliminary master plan of the planned development shall be submitted to the zoning administrator at the time of filing for rezoning to the PR-D zoning district. The preliminary master plan shall contain a list of the proposed uses. Any use not specifically designated as a permitted use shall be prohibited. The plan shall represent an overall land use concept which is in keeping with the spirit and intent of the PR-D district as described in subsection 3.1.6 of this article. The purpose of the district is to allow for the development of higher density, owner occupied, fee simple housing in a variety of settings. Said plan shall be prepared by an architect, landscape architect, engineer, or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such. The plan shall become a condition of the rezoning and any variations to said plan after rezoning approval that would increase the area of a specific land use proposed in the development shall require approval of the Planning Commission and City Council.

8.1.3. *Use regulations.* Within the PR-D district, land and structures shall be used in accordance with the list of proposed uses as submitted in the master plan. All uses not specifically designated as a permitted use shall be prohibited.

8.1.4. Development standards.

A. *Height regulations.* Single-family residential buildings shall not exceed a height of fifty (50) feet.
B. Minimum lot area per dwelling unit.
   a. Single-family detached. As specified in conditions of zoning.
   b. Townhouse/attached, 2,000 sq. ft.
C. Maximum density
   a. Townhouse/attached, 8 units per gross acre
D. *Minimum heated floor area per unit.*
   a. Townhouse/attached
      - 1,200 sq. ft.

E. *Minimum lot width.* As specified in conditions of zoning.
F. *Minimum PR-D development frontage,* 60 feet
G. *Minimum lot frontage.* As specified in conditions of zoning.
H. The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, hard-coat stucco, or fiber cement siding.
I. Gable or hip roofs shall have a minimum roof pitch of 5/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
J. *Perimeter setback entire PR-D development.* As specified in conditions of zoning.
K. *Interior setbacks.* As specified in conditions of zoning.

L. *Accessory structure requirements.*.
M. *Minimum buffer requirements.* As specified in conditions of zoning.
N. *Minimum open space requirements.* As specified in conditions of zoning.
O. Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multi- family and non-residential properties.
P. The front building façade of all principle non-residential buildings shall be oriented toward street fronts or adjacent arterial street fronts.
Q. Refuse areas (dumpsters) shall be placed in the least visible location from public streets and shall be covered and enclosed on three sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.
R. Light fixture poles cannot exceed forty (40) feet in height. All site lighting shall be directed onto the site.
S. Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall not be taller than five (5) feet in height and shall be vinyl coated, with one of the following colors: hunter green or black.
T. *Building massing*. Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.
U. *Color*: Fluorescent colors shall not be employed except as accent colors.
V. Other required standards.

1. The number of single-family detached residential lots consisting of less than six thousand (6,000) square feet in lot area shall be as specified in conditions of zoning.
2. A traffic impact study shall be included in the master plan.
3. An analysis on impacts of utility infrastructure and city services, community access and pedestrian connectivity, and schools shall be provided in the master plan.

8.1.5. *Commercial requirements.* The headings below contain additional provisions applicable to the PR-D district.

1. *Commercial uses in the PR-D district shall not exceed fifteen (15) percent of the total development.*
2. *Architecture for commercial uses shall complement the design of the residential uses in the proposed development plan.*
3. *Commercial uses shall be located at the street level.*
4. *The master plan shall provide pedestrian connectivity between the residential and commercial uses.*
5. Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right- of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping.
6. The front building façade of all principle buildings shall be oriented toward street fronts or adjacent arterial street fronts.
7. Refuse areas (dumpsters) shall be placed in the least visible location from public streets, and shall be covered and enclosed on three sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.
8. Light fixture poles cannot exceed forty (40) feet in height. All site lighting shall be directed onto the site.
9. Commercial signage shall comply with the city sign ordinance.

The uses (project) granted under the approved plan shall commence operations or construction within 18 months of the date of approval by the City Council. If, at the end of this 18-month period, the Planning

Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning and Zoning Board which may recommend that action be taken to return the property(ies) to the original zoning, following all required amendment procedures found in this chapter of the code.

Sec. 64-8.2. PC-D Planned Commercial Development district.

8.2.1. Regulations in this section are the PC-D district regulations. The P-D district identifies land areas for a variety of commercial types within a planned design as further described in section 3.1.7 of this chapter. The PC-D district is intended to:

A. Encourage new development of greenfield, brownfield, and other infill areas for planned designs;
B. Encourage redevelopment of existing commercial sites for their highest and best use;
B. Encourage flexible and creative concepts in site planning;
C. Encourage functional open space areas to improve both the site and the community in general;
D. Provide for an efficient use of land; and
E. Provide a stable commercial environment compatible with surrounding residential areas.

The purpose of this district is to provide suitable areas for development and redevelopment of commercial properties with the flexibility to allow a full range of uses and designs for retail centers, outparcels, infill buildings, and open space.

8.2.2. *Master plan.* A preliminary master plan of the planned commercial development shall be submitted to the department of planning and development at the time of filing for rezoning to the PC-D district. The preliminary master plan shall contain a list of permitted uses, setbacks, and other information as required by the zoning administrator. Any use not specifically designated as a permitted use shall be prohibited. Said plan shall be prepared by an architect, landscape architect, engineer, and/or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such. The plan shall become a condition of the rezoning.

8.2.3. *Use regulations.* Within the PC-D district, land and structures shall be used in accordance with the list of proposed uses as submitted in the master plan. Any use not specifically designated as a permitted use shall be prohibited.

8.2.4. Development standards.

A. *Height regulations.* Buildings shall not exceed a height of fifty (50) feet.
B. *Minimum lot width.* As specified in conditions of zoning.
C. *Minimum development frontage,* 60 feet.
D. *Minimum lot frontage.* As specified in conditions of zoning.
E. *Minimum perimeter setback of entire development.* As specified in conditions of zoning.
F. *Minimum interior setbacks.* As specified in conditions of zoning.
G. *Accessory structure requirements.*
H. The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
I. Gable or hip roofs shall have a minimum roof pitch of 5/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
J. *Minimum buffer requirements.* In addition to required setbacks, all uses within the PC-D district which abut a single-family residential district or use shall provide a minimum thirty (30) foot wide buffer, five (5) feet of which can be within required setback, to provide a visual screen.
K. Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multi- family and non-residential properties.

L. The front building façade of all principle buildings shall be oriented toward street fronts or adjacent arterial street fronts.
M. Refuse areas (dumpsters) shall be placed in the least visible location from public streets, and shall be covered and enclosed on three sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.
N. Light fixture poles cannot exceed forty (40) feet in height. All site lighting shall be directed onto the site.
O. Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall not be taller than five (5) feet in height and shall be vinyl coated, with one of the following colors: hunter green or black.
P. *Building massing*. Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.
Q. *Color*: Fluorescent colors shall not be employed except as accent colors.
R. *Traffic impact study*. Shall be included in the master plan.
S. An analysis on impacts of utility infrastructure and city services, community access and pedestrian connectivity shall be provided in the master plan.

8.2.5. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the PC-D district.

1. *Residential uses shall not exceed twenty (20) percent of the total development.*
2. *Residential uses shall be located as loft or above commercial uses.*
3. *City of Cleveland Landscaping Ordinance.*
4. *City of Cleveland Sign Ordinance.*

The uses (project) granted under the approved plan shall commence operations or construction within 18 months of the date of approval by the City Council. If, at the end of this 18-month period, the Planning Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning and Zoning Board which may recommend that action be taken to return the property(ies) to the original zoning, following all required amendment procedures found in this chapter of the code.

Sec. 64-8.3. PM-U Multiple Use district.

8.3.1 *PM-U District scope and intent.* Regulations in this section are the PM-U district regulations. The PM-U district is intended to provide land areas for medium to high density residential land uses and commercial uses complimentary to office and institutional uses as further described in section 3.1.8 of this chapter and where existing and projected traffic patterns encourage such development. The PM-U district is intended to:

A. Encourage the development of tracts of land in the community;
B. Encourage flexible, innovative, and creative concepts in site planning;
C. Encourage efficient use of land;
D. Provide a stable multiple use environment compatible with surrounding uses; and
E. Protect neighboring residential properties by locating less intense uses adjacent to residential developments or by locating buffers between non-residential and residential uses.

8.3.2 *Master plan.* A preliminary master plan of the planned commercial development shall be submitted to the department of planning and development at the time of filing for rezoning to the PM-U district. The preliminary master plan shall contain a list of permitted uses, setbacks, and other information as required by the zoning administrator. Any use not specifically designated as a permitted use shall be prohibited. Said plan shall be prepared by an architect, landscape architect, engineer, and/or land surveyor whose state registration is current and valid and the plan shall exhibit such seal or other to validate such.

The plan shall become a condition of the rezoning.

8.3.3 *Use regulations.* Within the PM-U district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (CU).*
- Amateur radio transmitter.
- Amenities.
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial uses in the same building (CU).*
- Art galleries.
- Assembly halls.
- Automotive and light truck rental facility.
- Automotive specialty shops (allowed on properties fronting an arterial or major collector street only and shall be limited to four (4) bays).
- Barber shops.
- Beauty salons.
- Bed and breakfast inn (CU).*
- Catering, carry out, delivery.
- Clinics (excludes veterinary).
- Clubs or lodges (non-commercial) (CU)*.
- Colleges and universities.
- Community center buildings.
- Condominiums.
- Construction contractors:
  - *General building contractors* (provided there is no exterior storage of equipment, materials, and construction vehicles)
  - *Heavy equipment contractors* (provided there is no exterior storage of equipment, materials, and construction vehicles)
  - *Special trade contractors;* including but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Convenience stores.
- Dancing schools.
- Day care facilities.
- Delicatessens.
- Dry cleaners.
- Duplex dwellings.
- Family day care.
- Financial establishments.
- Funeral homes (allowed on properties fronting an arterial or major collector street only) (crematories may be allowed in conjunction with funeral home with approval of special use).*
- Group homes (SU).*
- Guest house.
- Gymnasiums/health clubs.
- Home occupations.
- Hospices (SU).*
- Hotels (allowed on properties fronting an arterial or major collector street only).

- Institutions of higher learning, including business colleges, music conservatories, and similar institutions.
- Laboratories (medical and dental).
- Laundromats.
- Libraries.
- Medical offices (excludes veterinary).
- Multi-family dwellings.
- Museums.
- Nursing home facilities and assisted living facilities.
- Offices, general.
- Parking lots.
- Parks, private.
- Patio homes.
- Pawn shops and/or title pawn (SU).*
- Pet grooming.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Printing establishments.
- Pubs, taverns (and winery tasting rooms).
- Public utility facilities.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (CU).*
- Repair services, light (shoes, small appliances or similar).
- Restaurants (drive-thru restaurants as CU).*
- Retail, general.
- Retail package stores (malt beverages and/or wine sales only in a multi- tenant shopping center development consisting of a minimum of five (5) business suites and additionally, that detached, stand alone, retail package stores shall not be permitted.)
- Retirement centers (CU).*
- Reupholstery shops.
- Schools, private (CU).*
- Service stations (allowed on properties fronting an arterial or major collector street only).
- Single-family attached dwellings.
- Single-family detached dwellings.
- Stadiums (allowed on properties fronting an arterial or major collector street only).
- Storage, warehouse (allowed on properties fronting an arterial or major collector street only).
- Theaters.
- Townhouses.
- Wholesale sales office.

*Conditional use approval required;

*Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

8.3.4 Development standards.

A. Height regulations. Single-family residential buildings shall not exceed a height of thirty-five (35) feet; multi-family and non-residential buildings shall not exceed a height of sixty (60) feet.

B. *Front yard setback,* 40 feet.
C. *Side yard setback,* 15 feet.
- If single-family attached, 20 ft. end of each row

D. Rear yard setback:
- Office/institutional/commercial, 25 feet.
- Multi-family, 25 feet.
- Townhouse, 25 feet.
- Single-family attached, 25 feet.
- Single-family detached, 25 feet.
- Duplex dwellings, 25 feet.

E. Minimum lot area.
- Townhouse/attached, 2000 sq. ft.
- Single-family detached and duplex dwellings, 8000 sq. ft.

F. Maximum density.
- Multi-family, 10 dwelling units per acre
- Townhouse/attached, 8 dwelling units per acre

G. Minimum lot width at building line.
- Office/institutional/commercial, 110 feet per lot
- Multi-family, 110 feet.
- Townhouse, 20 feet per lot.
- Single-family attached, 50 feet per lot.
- Single-family detached, 60 feet per lot.
- Duplex dwellings, 50 feet per lot.

H. Minimum lot frontage.
- Office/institutional/commercial, 110 feet per lot
- Multi-family, 110 feet per lot.
- Townhouse, 20 feet per lot.
- Single-family attached, 50 feet per lot.
- Single-family detached, 60 feet per lot.
- Duplex dwellings, 35 feet per lot.

I. Minimum heated floor area per dwelling unit.
- Multi-family
  - *3-bedroom,* 1,000 sq. ft.
  - *2-bedroom,* 850 sq. ft.
  - *1-bedroom,* 700 sq. ft.
  - *Studio/loft (in existing buildings),* 650 sq. ft.
- Townhouse/attached, 1,150 sq.ft.
- Single-family detached, 1,100 sq. ft.
- Duplex, 1,600 sq. ft.

J. The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, hard-coat stucco, or fiber cement siding.

K. Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multi- family and non-residential properties.

L. Gable or hip roofs shall have a minimum roof pitch of 5/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.

M. The front building façade of all principle buildings shall be oriented toward street fronts or adjacent arterial street fronts.

N. *Minimum buffer requirements.* In addition to required setbacks, all non-residential and/or multi-family property uses within the PM-U district which abut a single-family residential district or use shall provide a minimum thirty (30) foot wide buffer, five (5) feet of which can be within required setback, to provide a

visual screen.

O. *Minimum open space.* Multi-family developments shall have a minimum twenty percent (20%) of gross acreage set aside as open space and shall provide recreational areas within said open space.

P. *Traffic impact study*. Shall be included in the master plan.

Q. An analysis on impacts of utility infrastructure and city services, community access and pedestrian connectivity shall be provided in the master plan

R. *Accessory structure requirements.*

S. Other standards.

1. Townhouse developments shall have a minimum development area of one-half (1/2) acre. In addition to required setbacks, a fifteen (15) foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.
2. Multi-family developments shall comply with section 7.1.3.K. and N. of this chapter.

T. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:

1. No more than one (1) guest house structure per lot.
2. A minimum lot size of twenty thousand (20,000) square feet shall be required.
3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principle building.
5. A guest house structure shall comply with the principle setbacks of the district.
6. A guest house shall not be allowed in the front yard.
7. A guest house shall not exceed the height of the principle building on the lot.
8. Requires owner-occupancy of the principle building on the lot.

8.3.5 *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the PM-U district.

- *City of Cleveland Landscaping Ordinance.*
- *City of Cleveland Sign Ordinance.*

The uses (project) granted under the approved plan shall commence operations or construction within 18 months of the date of approval by the City Council. If, at the end of this 18-month period, the Planning Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning and Zoning Board which may recommend that action be taken to return the property(ies) to the original zoning, following all required amendment procedures found in this chapter of the code.

ARTICLE IX. COMMERCIAL DISTRICT REGULATIONS

Sec. 64-9.1. B-1, CBD Central (Downtown) Business District.

9.1.1 *CBD District scope and intent.* Regulations set forth in this section are the CBD district regulations. The CBD district is intended to provide locations in which neighborhood and community- oriented retail and service activities and residential uses can be established in the downtown business sector of the City as further described in section 3.1.9 of this chapter while preserving the historic character of the downtown buildings.

9.1.2 *Use regulations.* Within the CBD district, land and structures shall be used in accordance

with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Amateur radio transmitter (CU)*
- Amenities.
- Amusement, indoor.
- Apartments /condominiums, above, below, or behind commercial uses in the same building.
- Art galleries.
- Assembly halls.
- Barber shops.
- Beauty salons.
- Bed and breakfast inn. (CU)*
- Catering, carry-out and delivery.
- Clinics (excludes veterinary clinic). (CU)*
- Clubs or lodges (non-commercial) (CU).*
- Condominium dwellings. (CU)*
- Construction contractors:
  - *General building contractors* (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - *Heavy equipment contractors* (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - *Special trade contractors;* including but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Convenience Stores
- Day care facilities.
- Delicatessens.
- Event halls (CU)*
- Financial establishments.
- Gymnasiums/Health clubs.
- Hotels.
- Laundromats.
- Laundry and dry cleaning pick-up stations.
- Libraries.
- Medical offices (excludes veterinary).
- Museums.
- Offices, general.
- Parking lots, including decks (CU)*.
- Parks, public and private.
- Personal services.
- Places of assembly (CU).*
- Printing shops, convenience.
- Public utility facilities.
- Pubs and taverns (and winery tasting rooms).
- Religious institutions (CU).*
- Repair shops (small appliance, shoe repair or similar).
- Restaurants (drive-thru restaurants as a conditional use), dine-in, catering carry-out and delivery.
- Retail, general.
- Retirement centers (CU).*
- Schools, private (SU).*
- Schools of business, dance, music, or similar.

- Short-term or vacation rental (CU)*
- Single-family residential in semi-detached or clustered cottages; 8 units/acre.
- Theaters.
- Townhouse (CU).*

*Conditional use approval required
*Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.1.3 Development standards. (In some cases a master plan may be required to determine development standards.

A. *Height regulations.* Buildings shall not exceed a height of sixty (60) feet.
B. *Front yard setback,* None.
C. *Side yard setback,* None.
D. *Rear yard setback,* None.
E. *Minimum lot frontage,* None.
F. Minimum heated floor area per dwelling unit.

- Multi-family
  - *3-bedroom,* 1,000 sq. ft.
  - *2-bedroom,* 850 sq. ft.
  - *1-bedroom,* 700 sq. ft.
  - *Studio/loft (in existing buildings),* 650 sq. ft.
- Townhouse/attached, 1,150 sq.ft.

G. Accessory structure requirements.
H. The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
I. Consideration for approval of any commercial and residential living space in the CBD district is subject to a parking plan for the proposed use and approved by the zoning administrator. The zoning administrator shall give due consideration to available public or private parking in the downtown area, however, such parking shall not be presented as the only parking for the proposed use.
J. Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multi- family and non-residential properties.
K. Architectural design shall be respective and reflective of the historic square setting, facilities for pedestrian movement and connectivity shall be included.
L. Refuse areas (dumpsters) shall be placed in the least visible location from public streets and shall be covered and enclosed on three sides with opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.
M. The front building façade of all principle buildings shall be oriented toward street fronts or adjacent arterial street fronts.
N. For new or redeveloped structures, an analysis on impacts of utility infrastructure and city services, community access and pedestrian connectivity shall be provided.

9.1.4 *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to the CBD district.

- *City of Cleveland Landscaping Ordinance.*
- *City of Cleveland Sign Ordinance.*

Sec. 64-9.2. B-2, Highway Commercial district.

9.2.1.*B-2 District scope and intent.* Regulations set forth in this section are the B-2 district regulations. The B-2 district is intended to provide locations in which community and regionally-oriented retail and service activities can be established so as to best serve the community and traveling public as further described in section 3.1.10 of this chapter.

9.6.2. *Use regulations.* Within the B-2 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Adolescent treatment facilities.
- Amateur radio transmitter.
- Amenities.
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (CU).*
- Art galleries.
- Automotive garages.
- Automotive and truck sales or rental.
- Automotive specialty shops.
- Automotive storage yards and wrecker service.
- Barber shops and beauty salons.
- Boat sales and service.
- Bowling alleys.
- Building supply companies.
- Bus stations.
- Car washes.
- Catering, carry-out and delivery.
- Cheerleading/Gymnastics facilities and indoor athletic training facilities
- Check cashing stores.
- Clinics.
- Clinic or hospital, animal.
- Clubs or lodges (non-commercial) (CU).*
- Colleges and universities.
- Construction contractors:
    - *General building contractors* (provided there is no exterior storage of equipment, materials, and construction vehicles).
    - *Heavy equipment contractors* (provided there is no exterior storage of equipment, materials, and construction vehicles).
    - *Special trade contractors;* including but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Consumer fireworks retail sales facility, in accordance with State holiday sales requirements and as approved by the Fire Chief
- Convenience stores.
- Dancing schools.
- Day care facilities.
- Delicatessens.
- Distribution centers, (not including processing, fabrication or manufacturing).
- Drive-in theaters.
- Dry cleaners.

- Farm equipment and supplies stores.
- Financial establishments.
- Fortunetellers.(SU)*
- Funeral homes (crematories may be allowed in conjunction with a funeral home).
- Gymnasiums/Health clubs.
- Halfway houses. (SU)*
- Homeless shelters (SU).*
- Hospices.
- Hospitals.
- Hotels.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Kennels.
- Laboratories.
- Landscaping businesses.
- Laundromats.
- Laundry/Dry cleaning pick-up stations.
- Libraries.
- Medical offices.
- Manufactured home sales.
- Motels.
- Museums.
- Nursing homes and assisted living facilities.
- Offices, general.
- Office parks.
- Outdoor golf driving ranges.
- Other consumer goods and services.
- Parking garages.
- Parking lots.
- Pawn shops and/or title pawn.
- Pet grooming.
- Personal care homes (CU).*
- Performing Art Centers (CU)*
- Places of assembly (CU).*
- Planned shopping developments.
- Plant nurseries.
- Plumbing shops (associated with retail sales).
- Printing establishments.
- Public utility facilities.
- Pubs or taverns (including winery tasting rooms).
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions.
- Repair garages, automotive.
- Repair garages, heavy equipment.
- Repair services, heavy (large appliances and similar).
- Research laboratories.
- Restaurants.
- Retail, general.
- Retail package stores (liquor).

- Retirement centers (CU).*
- Reupholstery and furniture repair shops.
- Schools, private (CU).*
- Self-service storage facilities (mini-warehouses) and general storage; 300 ft setback, perimeter screening (CU)*.
- Service establishments.
- Service stations.
- Skating rinks.
- Stadiums. (SU)*
- Taxi stands.
- Theaters.
- Truck stops. (CU)*
- Wholesale sales office.
- Wholesale trade and distribution.
- Wildlife conservation park

(CU) * Conditional use approval required

(SU).* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.6.3. Development standards.

A. *Height regulations.* Building shall not exceed a height of sixty (60) feet.
B. *Front yard setback,* 60 feet.
C. *Side yard setback,* 15 feet.
D. *Rear yard setback,* 25 feet.
E. *Minimum lot area,* None.
F. Minimum heated floor area per dwelling unit.

- *3-bedroom,* 900 sq. ft.
- *2-bedroom,* 750 sq. ft.
- *1-bedroom,* 600 sq. ft.
- *Studio/loft (in existing buildings),* 450 sq. ft.

G. *Minimum buffer requirements.* In addition to required setbacks, a minimum twenty-five (25) foot wide buffer, ten (10) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen.
H. *Minimum lot frontage.* 110 feet adjoining a street
I. Minimum lot width at the building line, 100 feet.
J. A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the district, unless finished with a product consisting of brick, stone, or hard-coat stucco, with the following exception:

1. The rear wall of a metal building may be allowed to be finished with a metal panel, but shall have at least a 24 inch complementary masonry base.

K. *Accessory structure requirements.*
L. Other required standards.

1. All structures associated with a kennel, or veterinary clinic shall be a minimum of one hundred (100) feet from all property lines which abut a residential district.
2. For new or redeveloped structures, an analysis on impacts of utility infrastructure and city services, schools, community access and pedestrian connectivity shall be provided.

9.6.4. *Other regulations.* The headings below contain additional, but not necessarily all

provisions applicable to the B-2 district.

- *City of Cleveland Landscaping Ordinance.*
- *City of Cleveland Sign Ordinance.*

ARTICLE X. PUBLIC INSTITUTIONAL DISTRICT

Sec. 64-10.1. P-I Public/Institutional district.

10.1.1 *P-I District scope and intent.* The P-I district encompasses lands devoted to uses which may be privately owned or owned by the federal, state or local government or related agencies as further described in section 3.1.11 of this chapter.

10.1.2 *Use regulations.* Within the P-I district, land and structures shall be used in accordance with the standards herein. Any use not specifically designated as allowed shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Amateur radio transmitter.
- Cemeteries (human); must include a perpetual care plan.
- Cemeteries (pet).
- Clubs or lodges (non-commercial).
- Colleges and universities.
- Day care facilities.
- Funeral homes (crematories may be allowed in conjunction with a funeral home with approval of a special use).*
- Governmental buildings.
- Governmental facilities.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Mausoleums.
- Medical facilities.
- Parks, public or private.
- Performing Arts Centers (CU)*
- Places of assembly (CU)*
- Public Utilities
- Radio, television, or other communication towers. (CU)*
- Recreation centers or facilities.
- Religious institutions.
- Schools, public and private.
- Youth educational camps

10.1.3 Development standards.

A. *Height regulations.* Buildings shall not exceed a height of sixty (60) feet.

B. Minimum development area.

- 15 acres (cemeteries for humans)
- 5 acres (cemeteries for pets)
- 50 acres (youth educational camps)

C. Front yard setback

- Structures other than cemeteries, 60 feet.
- Cemeteries, 80 feet.

D. Side yard setback

- Structures other than cemeteries, 15 feet.

- Cemeteries, 50 feet.

E. Rear yard setback

- Structures other than cemeteries, 20 feet.
- Cemeteries, 50 feet.

F. *Setback for graves,* 50 feet from all property lines.

G. *Minimum lot frontage,* 110 feet adjoining a street

H. *Minimum lot width at the building line,* 100 feet.

I. *Minimum buffer requirements.* In addition to required setbacks, a minimum fifteen (15) foot wide buffer shall be required along all property lines which abut a residential district or use to provide a visual screen.

J. *Outdoor storage.* Outside storage and parking of maintenance equipment shall be screened from all adjoining properties and streets.

K. *Accessory structure requirements.*

L. Additional requirements.

1. Cemetery uses shall be perpetual care and must meet all applicable state regulations pertaining to cemetery developments.

2. A solid opaque fence or masonry wall with a minimum height of six (6) feet and/or fifteen-foot buffer shall be required along all property lines abutting a residential district.

3. For new or redeveloped structures, an analysis on impacts of utility infrastructure and city services, schools, community access and pedestrian connectivity shall be provided.

10.1.4 *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to uses allowed in the P-I district.

- *City of Cleveland Landscaping Ordinance.*
- *City of Cleveland Sign Ordinance*
- *City of Cleveland Camp Ordinance.*

ARTICLE XI. INDUSTRIAL DISTRICT REGULATIONS

Sec. 64-11.1. L- I, Light Industrial district.

11.1.1 *L-I District scope and intent.* Regulations in this section are the L-I district regulations. The L-I district is intended to provide locations and areas for the development of industrial and business parks and uses which meet the needs of processing, manufacturing, fabricating and warehousing, research, related office uses, and other uses as further described in section 3.1.12 of this chapter.

Light manufacturing establishments shall consist of any manufacturing establishment which does not use water in the manufacturing operation either for processing, cooling or heating and which shall emit no smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed.

Manufacturing establishments which use limited water in the manufacturing operation either for processing, cooling or heating; or which emit smoke, noise, odor, dust, vibrations, or fumes beyond the walls of the building in which housed shall not be allowed, except with approval of a special use in accordance with standards further described in section 16.4.9.

11.1.2 *Use regulations.* Within the L-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Amateur radio transmitter.
- Automotive storage yards and wrecker service.
- Aviation airports.
- Bus stations.

- Cheerleading/Gymnastics facilities and indoor athletic training facilities.
- Clinic or hospital, animal.
- Clubs or lodges (non-commercial) (SU).*
- Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors)
- Distribution.
- Indoor Recreation Facilities.
- Manufacturing (not to exceed 20,000 sq. ft.).
- Offices.
- Outdoor golf driving ranges.
- Parking lots.
- Places of Assembly (CU)*
- Processing. (not to exceed 20,000 sq. ft.)
- Public utility facilities.
- Radio, television, or other communication towers.
- Religious institutions (CU).*
- Repair garage, automotive (no outdoor storage of inoperable and/or dismantled vehicles).
- Repair garage, heavy equipment (no outdoor storage of inoperable and/or dismantled trucks and equipment).
- Research facilities.
- Restaurants
- Self-service storage facilities (mini-warehouses) 100 ft front setback, perimeter screening (CU)*.
- Schools, private (CU).*
- Tattoo/Body piercing parlors (CU).*
- Taxi stands.
- Truck terminals.
- Warehousing.
- Wholesale trade and distribution.

*Conditional Use approval required
*Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

11.1.3 Development standards.

A. *Height regulations.* Buildings shall not exceed a height of fifty(50) feet..
B. *Front yard setback,* 80 feet.
C. *Side yard setback,* 25 feet.
D. *Rear yard setback,* 50 feet.
E. *Minimum lot area,* None.
F. *Minimum lot frontage,* 110 feet adjoining a street.
G. *Minimum lot width at the building line,* 100 feet.
H.The front façade of metal buildings constructed or placed in the L-I district, and all portions of the building that face public road right-of-way, shall be finished with brick, stone, or hard-coat stucco. The rear wall of a metal building may be allowed to be finished with a metal panel but shall have at least a 24 inch complementary masonry base.
I. *Minimum buffer requirements.* In addition to required setbacks, a minimum thirty-five (35) foot wide buffer, ten (10) feet of which can be within required setback, and a fifteen (15) foot wide buffer adjacent to all other districts other than residential, L-I and H-I, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

J. For new or redeveloped structures, an analysis on impacts of utility infrastructure and city services, schools, community access and pedestrian connectivity shall be provided.
K. *Accessory structure requirements.* See section 4.9 of this chapter.

11.1.4 *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to the L-I district.
- *City of Cleveland Landscaping Ordinance.*
- *City of Cleveland Sign Ordinance.*

Sec. 64-11.2. H-I, Heavy Industrial district.

11.2.1 *H-I District scope and intent.* Regulations in this section are the H-I district regulations. The H-I district is intended to provide locations for a full range of manufacturing, processing, terminal and warehousing uses, salvage yards, closely related activities, and other uses as further described in section 3.1.13 of this chapter.

11.2.2 *Use regulations.* Within the H-I district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as allowed shall not be permitted.
A. *Permitted uses.* Structures and land may be used for only the following purposes:
- Amateur radio transmitter.
- Adult entertainment establishments (SU).*
- Aviation airports.(SU)*
- Bus stations.(CU)*
- Clinic or hospital, animal. (CU)*
- Construction contractors: general contractors, heavy equipment contractors, and special trade contractors (including, but not limited to, construction subcontractors, engineers, architects, and land surveyors).
- Distribution.
- Manufacturing, processing, warehousing, distribution, and research facilities.(CU)*
- Offices.
- Parking lots.
- Public utilities facilities.
- Radio, television, or other communication towers. (CU)*
- Research facilities.
- Salvage yards (SU).*
- Trash transfer stations (SU).*
- Truck terminals. (CU)*
- Wholesale trade and distribution. (CU)*

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

11.2.3 Development standards.
A. *Height regulations.* No structure shall exceed sixty (60) feet in height.
B. *Front yard setback,* 100 feet.
C. *Side yard setback,* 25 feet.
D. *Rear yard setback,* 50 feet.
E. *Minimum lot area,* None.
F. *Minimum lot frontage,* 175 feet adjoining a street.
G. *Minimum lot width at the building line,* 100 feet.
H. *Minimum buffer requirements.* In addition to required setbacks there shall be a fifty (50) foot wide buffer along all property lines which abut a residential district or use and a fifteen (25) foot wide buffer shall be

required along all property lines abutting a non- residential district other than the H-I district. Said buffers shall provide a visual screen in accordance with section 4.17 of this chapter. (Salvage yards see section 10.2.3.J. of this chapter)

I. *Accessory structure requirements.* See section 4.9 of this chapter.

J. Other required standards.

1. No use shall be allowed that exceeds state and federal guidelines for allowable emissions and discharge of effluents into the air, water and soil.

2. No use shall be allowed that creates unabated noise creating a nuisance as defined under Georgia Law.

3. For new or redeveloped structures, an analysis on impacts of utility infrastructure and city services, schools, community access and pedestrian connectivity shall be provided.

11.2.4 *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to uses allowed in the H-I district.

- *City of Cleveland Landscaping Ordinance.*
- *City of Cleveland Sign Ordinance.*

11.2.5 *Mining use regulations.* Mining land uses and structures shall be used in accordance with the standards herein. Any use not specifically designated as allowed shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Milling.(SU)*
- Mining/extraction, 500 feet setback/buffer from all property lines. (SU)*
- Public utility facilities.
- Quarrying. 500 feet setback/buffer from all property lines.(SU)*
- Radio, television and other communication towers.
- Surface mining, 500 feet setback/buffer from all property lines.(SU)*

(SU) Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

11.2.6 Development regulations.

A. The removal area shall be completely enclosed with a fence not less than six (6) feet in height where necessary for safety.

B. Drainage plans and a plan for the site when the extraction is completed shall be submitted with the application for a development permit.

C. Quarrying shall be established only on a site of not less than 500 hundred (500) acres.

D. When abutting any agricultural, residential district and commercial, a five hundred (500) foot undisturbed buffer shall be required, unless activity is limited to surface mining as defined by this chapter. When abutting any other industrial district, a three hundred (300) foot undisturbed buffer shall be required for surface mining or quarrying.

E. Mining, quarrying and surfacing mining activities shall provide a site restoration plan to be implemented within 185 days of where extraction has been completed and activities has move elsewhere on the site.

11.2.7 *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to uses allowed in the H-I district.

- *City of Cleveland Landscaping Ordinance.*
- *City of Cleveland Sign Ordinance.*

ARTICLE XII. SPECIAL USE PERMITS AND CONDITIONAL USES

Sec. 64-12.1. Special Use Permits.

12.1.1. Special Use Permits.

The special use permit is designed to be used when:

(a) A special use listed under the land use district is desired would not be appropriate without restrictions and is not permitted by right or conditionally, but allowed through regulations as to the number, area, location, relation to neighborhoods, operations or other pertinent considerations and specification/criteria as specified in this code; or

(b) A unique use not addressed in any land use district is desired for development and is not likely to be duplicated within the city.

In order to accommodate these special uses, the special use permit allows the City Council to approve a special use on a particular lot or tract without changing the general land use district. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility or reduce conflict of the special use with the surrounding properties. All special use permit applications shall be for firm development proposals only. The special use permit shall not be used for securing early land use for conceptual proposals which may not be undertaken for some time. A special use permit application shall be considered only if it is made by the owner of the property or an authorized agent: The minimum requirements for a special use permit are:

(1) Any uses permitted under a special use permit shall also conform to the requirements of this resolution and the development regulations for the use as found in the land use district.

(2) Special Use Permits shall be considered and issued within only those designated districts of this ordinance.

(3) The application and review process for a special use permit shall be the same as for the land use district under which the special use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Planning Director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility or conflict of the proposed use with its neighborhood.

(4) In the approval process for a special use permit application, the City Council shall consider the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values and compatibility of land use activities.

(5) If an application is approved and a special use permit is granted, all conditions which have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the special use permit, the Director shall forward a report to the City through the Planning and Zoning Board which may recommend that action be taken to remove the special use permit from the property.

(6) Changes to a special use or development of a site for the special use shall be treated as an amendment to the special use permit and shall be subject to the same application and review process as a new application.

(7) The special use for which a special use permit is granted shall commence operations or construction within 12 months of the date of approval by the City Council. If, at the end of this 12-month period, the Planning Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning and Zoning Board which may recommend that action be taken to remove the special use permit from the property.

(8) An application for a special use permit in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:

a. The special use permit shall be valid for no more than a two-year period. Upon or before the expiration of a special use permit, the owner shall make application to continue the special use permit if continuance is desired. However, after the first two-year period the City Council may waive the two-year time limitation with the concurrence and recommendation of the Planning and Zoning Board.
b. The special use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.
c. The exterior character of a dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the special use to the neighborhood, except for any accessory structure approved by the City Council.
d. The owner of the property shall occupy the property and shall operate any business associated with the special use.
e. The owner of the property shall submit with the application a signed statement in which they agree that the special use permit, if approved, shall automatically terminate in the event that the property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the Planning Director in writing upon the occurrence of any of these events.
f. In addition to the information and/or site plans required by this section, the owner of the property shall submit with the application for a special use permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.

(9) The owner of the property approved for a special use may voluntarily request termination of the special use permit by notifying the director in writing. The Planning Director shall notify the City County through the Planning and Zoning Board of the voluntary terminations as they occur and shall change the official land use maps to reflect any voluntary terminations. The approval of a special use permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the special use permit by the property owner.

(10) The Planning Department shall have the right to periodically examine the operations of the specific use to determine compliance with the requirements of any conditions. If the Planning Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violations and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the Planning Director shall forward a report to the City Council through the Planning and Zoning Board, which may recommend that action be taken to remove the special use permit from the property.

(11) Upon approval by the City Council, a special use permit shall be identified on the official zoning and/or land use maps.

(12) Upon approval by the City Council of a special use permit, the owner of the property shall be issued a notice from the Planning Director, which states the specific use permitted, the requirements of this section and any conditions attached to the approval.

(13) The Building Department shall not issue a certificate of occupancy for the specific use unless all requirements and conditions of the special use permit have been fulfilled by the owner of the property.

12.1.2. Conditions Considered for Special Use Permit.

In adopting an amendment to the land use map, or approving a special use permit, the City Council

may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the comprehensive plan. Such conditions may consist of, but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area, which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that developers must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the City Council may deem appropriate and necessary as a condition of reclassification of use or issuance of a variance or special use permit.
Such conditions:

(1) Shall only be valid if they are included in the motion approving the amendment for adoption;
(2) Shall be in effect for the period of time specified in the amendment;
(3) Shall be required of the property owner and all subsequent owners as a condition of their use of the property;
(4) Shall be interpreted and continuously enforced by the development director in the same manner as any other provision of this resolution; and
(5) A building permit shall not be issued until after the presentation and approval by the Planning and Zoning Board of final site, architecture and development plans required by such conditions.

12.1.3. Procedures and Review Standards.

The procedures and review standards for applications for a special use permit shall follow those same procedures and standards set forth in Article XVII of this Ordinance.

Sec. 64-12.2. Conditional Use Permits.

*12.2.1. Conditional Uses***.**

In adopting an amendment to the land use map, or approving a conditional use, the City Council may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the comprehensive plan. Such conditions may consist of, but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area, which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that developers must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement(s) the City Council may deem appropriate and necessary as a condition of reclassification of use or issuance of a variance or special use permit.
Such conditions:

1. Shall only be valid if they are included in the motion approving the amendment for adoption;
2. Shall be in effect for the period of time specified in the amendment;
3. Shall be required of the property owner and all subsequent owners as a condition of their use of the property;
4. Shall be interpreted and continuously enforced by the development director in the same manner as any other provision of this resolution; and

5. A building permit shall not be issued until after the presentation and approval by the Planning and Zoning Board of final site, architecture and development plans required by such conditions.

1. Land Use districts established herein permit certain uses which are allowable therein provided they meet specified conditions, as set forth therein and here. No such use shall be permitted until a conditional use permit has been issued authorizing such use. The procedures for granting such permits shall be the same as for amendments to the zoning ordinance or zoning map.
2. Those conditions specified in this Ordinance shall be considered to be the minimum standards which must be met before the conditional use application may be considered by the Planning and Zoning Board for review and recommendation and the City Council for decision. In deciding upon whether or not a conditional use meets the minimum standards and promotes the health, safety, morals, or general welfare of the City, the City Council shall utilize the applicable standards of review set forth in this Ordinance.
3. If the City Council, after applying the evidence to the standards of review and conditions, have been convinced that the allowance of the conditional use will promote the health, safety, morals, or general welfare of the City, a conditional use permit may be granted, subject to those provisions that may be imposed by the City Council.

*12.2.2. Criteria to Consider for Conditional Uses***.**

The applicant, staff, Planning and Zoning Board and City Council should review applications for conditional uses with regard to the following criteria, in addition to other standards and criteria set forth in this ordinance:
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 provisions of screening is such that buffering of incompatible uses is achieved.
4. Ingress and egress to the property is suitable and safe, and the effects 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 or neighboring properties.
6. Hours and manner of operation of the proposed 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 Comprehensive Plan of the City of Cleveland and this Ordinance. The staff, Planning and Zoning Board and City Council may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.

ARTICLE XIII. OFF-STREET PARKING AND SERVICE REQUIREMENTS

Sec. 64-13.1. Scope of provisions.

Except as provided in this section, no application for a building permit shall be approved unless there is included with the plan for such building, improvements, or use, a plat plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan. These provisions shall not apply to the Courthouse Square in the B-1, CBD district.

Sec. 64-13.2. Drainage, construction, and maintenance.

In non-single-family districts, all off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be paved with a material such as concrete, asphalt or pavers which will assure a surface resistant to erosion. All requirements for design shall follow the Georgia Stormwater Manual. Outdoor storage yards in industrial areas may be surfaced with gravel; the use of impervious surface materials such as concrete or asphalt is discouraged on outdoor storage yards because of increased stormwater runoff associated with such paving materials. Driveways and parking spaces for all single-family uses shall be surfaced with an all-weather surface material (e.g. pavers, concrete, or asphalt). All such areas shall be at all times maintained at the expense of the owners thereof, in a clean, orderly, and dust-free condition.

Sec. 64-13.3. Separation from walkways, sidewalks, and landscaped areas.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and landscaped areas by concrete curbing or bumper blocks. Curbing located in parking areas shall be constructed a minimum of the required buffer setback from private and/or public property lines.

Sec. 64-13.4. Joint parking facilities.

Two (2) or more neighboring uses, of the same or different types, may provide joint facilities, provided that the number of off-street parking spaces is not less than the sum of the individual requirements.

Sec. 64-13.5. Pavement markings and signs.

Each off-street parking space shall be clearly marked, and directional arrows or signs shall be provided whenever necessary. Markers, directional arrows, and signs shall be properly maintained so as to ensure their maximum efficiency (excludes required parking spaces for single-family uses).

Sec. 64-13.6. Number of parking spaces.

In order to ensure a proper and uniform development of public parking areas throughout the area of jurisdiction of this chapter, to relieve traffic congestion on the streets, to lessen the amount of impervious surface in the City, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following sections. For any use or class of use not mentioned in this section, the requirements shall be the same as similar use as mentioned herein.

Any decrease in the number of parking spaces required by this section must be approved by either the Planning Director under the Administrative Variance procedures or by the Board of Zoning Appeals under the Variance procedures set forth by this chapter.

Parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is deficient. (These regulations shall apply to all districts except the Courthouse Square in the B-1 CBD, which shall require a special analysis of parking needs for any proposed use.)

13.6.1 *Apartment and multi-family dwelling.* Two and a half (2.5) spaces for each dwelling unit. One visitor space for every ten units.

13.6.2 *Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center, religious institution.* One (1) space per four (4) fixed seats in largest assembly room or area, or one (1) space for each fifty (50) square feet of floor area available for the accommodation of movable seats in the largest assembly room, whichever is greater

13.6.3 *Automobile fueling station:* One (1) space (in addition to service area) for each pump and grease rack, but not less than six (6) spaces.

13.6.4 *Automobile, truck, recreational vehicle sales and service.* One (1) space for each five hundred (500) square feet of gross floor area and eight (8) spaces per bay.

13.6.5 *Automotive, truck, recreational vehicle repair and service.* One (1) space for each five hundred (500) square feet of gross floor area and eight (8) spaces per bay.

13.6.6 Billiards and pool halls. Two (2) spaces per pool table.

13.6.7 *Bowling alley.* Two (2) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.

13.6.8 *Club or lodge.* One (1) space per four (4) fixed seats in largest assembly room or area, or one (1) space for each fifty (50) square feet of floor area available for the accommodation of movable seats in the largest assembly room, whichever is greater.

13.6.9 *Combined uses.* Parking spaces shall be the total of the space required for each separate use established by this schedule.

13.6.10 *Convenience food stores with self-service fueling pumps.* One (1) space per two hundred (200) square feet of gross floor space.

13.6.11 *Dance school.* One (1) space per two hundred (200) square feet of gross floor area plus safe and convenient loading and unloading of students.

13.6.12 *Dormitory, fraternity or sorority.* Three (3) spaces for each four (4) occupants.

13.6.13 *Golf course.* Four (4) spaces for each hole, plus requirements for any other use associated with the golf course.

13.6.14 *High schools, trade schools, colleges, and universities.* One (1) space for each teachers, employees and administrative personnel, ten (10) spaces for each classroom.

13.6.15 *Hospital or care home.* One (1) space for each bed, plus one space for each employee.

13.6.16 *Hotel/motel.* Two (2) spaces for each guest room, suite, or unit. One space for each employee.

13.6.17 *Indoor and outdoor recreational areas (commercial), and similar uses.* One (1) space for each one hundred fifty (150) square feet of gross floor, building, ground area, or combination devoted to such use.

13.6.18 *Industrial or manufacturing establishment or warehouse.* One (1) parking space for each one thousand (1,000) square feet of gross floor area.

13.6.19 *Kindergarten and nursery schools.* Two (2) spaces for each employee plus safe and convenient loading of students.

13.6.20 *Office, professional building, or similar use.* One (1) space for each three hundred (300) square feet of gross floor area.

13.6.21 *Personal service establishment.* One (1) space for each three hundred (300) square feet of gross floor area.

13.6.22 *Restaurant or place dispensing food, drink, or refreshments which provides seating indoors.* One (1) space for each four (4) seats provided for patron use. One space per employee on shift.

13.6.23 *Restaurant, drive-thru, with no provision for seating indoors.* One and a half (1.5) spaces per one hundred (100) square feet of gross floor area, but not less than fifteen (15) spaces.

13.6.24 *Retail stores of all.* One (1) space for each two hundred and fifty (250) square feet of gross floor area.

13.6.25 *Schools, elementary.* Four (4) spaces for each classroom, plus safe and convenient loading and unloading of students.

13.6.26 *Shopping center.* One (1) space for each three hundred (300) square feet of gross floor area.

13.6.27 *Single-family dwelling.* Two (2) spaces per each unit. (A driveway shall not be considered a parking space when determining required parking for a single-family dwelling).

13.6.28 *Wholesale establishment:* One (1) parking space for each one thousand (1,000) square feet of gross floor area.

Sec. 64-13.7. Required loading spaces.

Industrial, wholesale, and retail operations shall provide loading space as follows:

13.7.1 *Spaces appropriate to functions.* Off-street loading spaces shall be provided as appropriate to the functions and scope of operation of individual or groups of buildings and uses.

13.7.2 *Design of loading spaces.* Off-street loading spaces shall be designed and constructed so that all maneuvering to park and un-park vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces shall be provided so as not to interfere with the free normal movement of vehicles and pedestrians on public rights-of-way.

13.7.3 *Ingress and egress.* Ingress and egress to off-street loading spaces shall conform to driveway entrance regulations as required by the state department of transportation or the City of Cleveland.

13.7.4 *Screening of loading and service areas.* Any service area, loading area, or refuse area between a principle building and a public street being visible from said street in all mixed use, commercial and industrial districts shall be screened from view from said public street as specified in section 4.17 of this chapter. All loading and service areas shall be screened from adjoining residential properties in accordance with section 4.17 of this chapter.

Sec. 64-13.8. Parking of business vehicles in a residential district or use.

The parking of a business vehicle in a residential zoning district or use shall be allowed under the following conditions:

A. Business vehicles of four (4) tons or greater empty weight or having a carrying capacity of more than one and one-half (1 1/2) tons shall not be stored or parked in any residential district overnight or on Saturdays or Sundays (excludes all 24-hour on-call emergency tow trucks, except tandem rig type tow trucks).

B. Twenty-four (24) hour on-call emergency tow trucks (excluding tandem rig type tow trucks) shall be allowed to be parked in residential districts provided such vehicles are parked in a side or rear yard only, on an all-weather surface, the operator does not unload vehicles on the property, the tow truck does not have a vehicle in tow while parked, and the presence of the tow truck does not create a nuisance to neighboring residential properties.

C. No more than two (2) commercial vehicles shall be parked on any single residential lot, or on any lot in any residentially zoned lot. Commercial vehicles may not be parked on any residential lot without an occupied single-family dwelling, and may not be parked on vacant residential lots.

Sec. 64-13.9. Parking of heavy construction vehicles or equipment or tractor trailers on property used for residential purposes.

The parking of heavy construction vehicles or equipment on tractor trailers on property used for residential purposes shall be prohibited with the exception that construction equipment being parked or stored on residential property during the development of such property shall be permitted and must be removed within ten days of the issuance of a certificate of occupancy or upon the expiration of the building permit for the site, whichever occurs first.

Sec. 64-13.10. Parking of recreational vehicles on property used for residential purposes.

Recreational vehicles (motor homes, fifth wheels, tag-alongs, pop-campers) parked in any residential zone or residentially-used area shall not be permitted to be parked in any required buffer area, nor in any front yard area. Recreational vehicles on residential property shall only be parked in the side or rear yard, on an all-weather surface material, and a minimum of five (5) feet from all property lines. No more than two (2) recreational vehicles shall be parked on any single residential lot.

ARTICLE XIV. NONCONFORMANCES

Sec. 64-14.1. Nonconforming lots.

Any lot for which a plat or legal description has been recorded in the Clerk of Superior Court of White County as of October 15, 2024 which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this chapter or, if occupied by a structure containing a conforming use, may have the structure improved, enlarged, or extended; provided that in either case:

A. Minimum requirements of the district for front, side, and rear yard, height, and floor area shall be complied with; and

B. The lot may be used for duplexes or multi-family dwellings when allowed within the district only if the lot meets the minimum lot area requirements for those uses in the district.

No plat of a land subdivision within the City of Cleveland shall be entitled to be recorded in the Clerk of Superior Court of White County unless it has the approval of the Planning Director or his/her designated representative inscribed thereon.

Sec. 64-14.2. Nonconforming open uses of land.

Nonconforming uses consisting of lots used for storage yards, used car lots, auto salvage yards, golf driving ranges, miniature golf and similar open uses where the only buildings on the lot are incidental

and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter under this chapter in the district in which it is located, shall be governed by the following restrictions in addition to the other requirements in this chapter:

A. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

B. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

C. When any nonconforming open use of land is discontinued or abandoned, regardless of intent, for a period in excess of twelve (12) months, any future use of the land shall be limited to those uses permitted in that district under the provisions of this chapter. Vacancy and/or nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Sec. 64-14.3. Nonconforming use of structures.

Nonconforming uses consisting of structures and/or land or appurtenances used in conjunction with the primary purpose of the structure, at the time of the passage of this chapter, for purposes not permitted in the district in which they are located shall in addition to the other requirements of this chapter be governed by the following restrictions.

A. An existing nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure may be changed to another nonconforming use that is similar in its operation and effect on surrounding properties or may be changed to a conforming use.

B. An existing nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure shall not be changed to another nonconforming use that generates more automobile or truck traffic, creates more noise, vibration, smoke, dust or fumes, is a more intensive use of structures than the existing nonconforming use, and is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.

C. A nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure shall not be extended or enlarged except into portions of the structure which at the time the use became nonconforming were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use, except that the Mayor and Council may, after a public hearing and review of the proposed plan, grant a special use if it is determined that said use will not be detrimental to the neighboring properties and is not contrary to the intent of this chapter.

D. When any nonconforming use of a structure and/or land or appurtenances used in conjunction with the primary purpose of the structure is discontinued for a period in excess of twelve (12) months, any future use of the structure shall be limited to those uses permitted in that district unless otherwise approved by the Mayor and Council. Vacancy and/or nonuse of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

Sec. 64-14.4. Reconstruction of nonconforming structures.

When a nonconforming structure or a structure containing a nonconforming use is razed or damaged by fire, flood, wind, or act of nature, such structure may be reconstructed as a nonconforming use only if the damage totals less than seventy-five percent (75%) of the value of the structure; however, this provision shall not apply to owner-occupied dwellings. Structures which do not conform to the yard requirements of this chapter shall also be governed by this provision.

Sec. 64-14.5. Intended nonconforming use.

Any intended nonconforming use for which a vested right was acquired prior to the adoption of this chapter or the adoption of an amendment thereto shall be prohibited unless such is actually commenced

within twelve (12) months of the adoption of this chapter or the adoption of an amendment thereto regardless of the intent or expectation to commence or abandon such nonconforming use.

Sec. 64-14.6. Changes in zoning.

Any nonconformances created by a change in district boundaries or ordinance regulations after the date of passage of this chapter shall also be governed by the provisions of this section.

Sec. 64-14.7. Expansion of Existing Nonconforming Uses Requiring Special Use Permits

No nonconforming use, building, structure and/or land or appurtenances used in conjunction with the primary purpose of the structure, requiring a special use permit under the terms of this chapter, including any use, building or structure that was authorized as of right prior to the adoption of this chapter but would require a special use permit upon the adoption of this chapter, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of a special use permit. Normal repair and maintenance of buildings and structures is authorized without the need for special use permits. No such use, building, or structure which has been discontinued for a continuous period of six (6) months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

ARTICLE XV. INTERPRETATION, ADMINISTRATIVE ACTION, AND ENFORCEMENT

Sec. 64-15.1. Interpretation.

The zoning administrator shall interpret the provisions of this chapter and may utilize opinions of the city attorney and others in arriving at interpretations. Appeals from an interpretation of the zoning administrator shall be in accordance with the provisions of Article XVII of this chapter.

Sec. 64-15.2. Administrative Variance.

The zoning administrator is authorized by this chapter to consider an appeal for an Administrative Variance to reduce development standards and/or parking requirements by up to and including fifteen percent (15%). In rendering his or her decision, the director shall consider preexisting topographic, geological, hydrological, lot layout, or environmental factors.

To initiate an application for an administrative variance, an application must be submitted to the department of planning and development which shall include the following:

1. An application form supplied by the department of Planning and Development must be completed by the applicant.
2. A non-refundable fee.
3. A written narrative explaining and justifying the request.
4. A plat drawn to scale showing all property lines with dimensions, location of buildings and other structures, north arrow, street numbers, lot and/or parcel number from the White County tax sheet, locations of setback lines or other dimensional requirements from which the administrative variance is sought.
5. The signatures of the property owner, or his or her authorized representative, and the applicant.

Notification to adjacent property owners. The applicant for said administrative variance shall also give notice of the administrative variance to all property owners adjoining the property for which said administrative variance is sought. Said notice shall be given to each adjoining property owner by first class mail, with proof of mailing obtained from the Post Office. Proof of mailing means either a first class “certificate of mailing” or a first class “certified mail” receipt; a proof of delivery is not required. Only owners reflected on the records of the tax assessors shall be entitled to notice. In determining the adjoining

property owners, road, street, or railroad rights-of-way shall be disregarded. Proof of mailing for each recipient shall be provided to the zoning administrator before a decision is rendered. Said notice must be mailed at least seven (7) days prior to the decision of the zoning administrator.

Information in notice to adjacent property owners. The notice required to be served upon adjacent property owners shall contain the following information:

1. Name and address of the applicant;
2. Address and location of the property for which the administrative variance is sought;
3. Current zoning of the property for which the administrative variance is sought;
4. The administrative variance requested and the reason for the requested administrative variance;
5. The application file number; and
6. Contact information for the department of planning and development.

Review for completeness. The planning and development department shall review the application for completeness within seven (7) calendar days of submission. Incomplete or improper applications will be returned to the applicant.

Decision. In rendering a decision on an administrative variance application, the zoning administrator shall consider all information supplied by the applicant. Within fourteen (14) calendar days of receipt of a completed application for an administrative variance, the zoning administrator shall:

1. Approve the application as submitted;
2. Approve the application with conditions; or
3. Deny the application.

Such administrative variance may be granted in an individual case upon a finding by the zoning administrator that one or more of the following exists:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this chapter; and
5. A literal interpretation of this chapter would deprive the applicant of any rights that others in the same district are allowed.

Remedy. Appeals from a decision by the zoning administrator shall be in accordance with the provisions of XVII of this chapter.

Records. The City Clerk shall keep public records of all administrative variances applied for and granted pursuant to this chapter.

Sec. 64-15.3. Conflict.

This chapter shall supersede any other zoning regulations previously adopted or issued that are in conflict with any of the provisions of this chapter. This chapter shall not abolish any easements, covenants or other agreements between parties; provided, however, that whenever this chapter imposes a greater restriction upon the use of buildings or land than are imposed by such easements, covenants or agreements, the provisions of the chapter shall control.

Sec. 64-15.4. Zoning enforcement officer; appeals.

The provisions of this ordinance shall be administered and enforced by the zoning administrator, and/or his/her designee. Requests for an administrative variance from the requirements of this ordinance shall be heard and decided by the zoning administrator in accordance with the guidelines set forth in this section. Decisions of the zoning administrator may be appealed in accordance with the provisions of this article. Requests for a variance other than an administrative variance shall be heard and decided by the Planning and Zoning Commission and City Council in accordance with the guidelines set forth in Article XVII.

Sec. 64-15.5. 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 chapter, the zoning administrator, or any other appropriate City authority or any other person who would be damaged by such violation, in addition to other remedies, may seek injunctive, mandamus or other appropriate relief to prevent the violation in the case of each building or use of land.

Sec. 64-15.6. Permits in effect.

Nothing herein shall require any change in the plans, construction, size or designated use of any land, building, structure or part thereof for which a building permit or land disturbance permit was issued or vested right established prior to the effective date of this chapter or amendment thereto.

Sec. 64-15.7. Periodic review of zoning ordinance.

As needed, but at intervals of not more than five (5) years, the Planning and Zoning Commission shall re- examine the provisions of this chapter and the location of district boundary lines and shall submit a report to the City Council recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity, or general welfare.

Sec. 64-15.8. Enforcement actions.

15.8.1 *Enforcement options*. Enforcement of this ordinance may be through criminal prosecution, civil fines, or other civil proceedings. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this ordinance as the same exists or as it may hereafter be amended or which shall fail to do anything required by this ordinance as the same exists or as it may hereafter be amended shall be subject to an enforcement action.

(A) Representatives of the city shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this ordinance, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection, as permitted by law. Officers and officials may seek inspection warrants or search warrants on probable cause of a violation occurring inside a structure. No warrant shall be required to investigate visible and open violations or uses.

(B) No person shall obstruct, hamper or interfere with any city representative while in the process of carrying out his official duties in the enforcement of this ordinance.

15.8.2 *Persons who may be cited*. Owners are ultimately responsible for the condition of their property and ensuring that their property and all activity occurring on such property is in compliance with this ordinance. For any violation, both the owner of the property and/or the individual agent, tenant or invitee of the owner responsible for the violation may be cited, where appropriate. Agents of the owner would include, but not be limited to, developers, builders, contractors, and sub-contractors. Tenants and invitees would include, but not be limited to, any renter, leaseholder, owner of any vehicle or structure on the property, or other person conducting an activity on the property who is not a trespasser. Corporations and

companies responsible for the work may be cited in lieu of or in addition to citations issued to the actual individuals on-site committing violations.

15.8.3 *Daily violations*. Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation, subjecting the offender to a new citation, or other civil or criminal proceeding.

15.8.4 *Multiple violations*. Each separate action, omission, or occurrence relating to any specific provision of this ordinance shall be a separate violation, subjecting the offender to a separate citation. Multiple junk cars count as one violation.

15.8.5 *Criminal prosecution*. The zoning administrator, or designated code enforcement personnel, or other authorized personnel, may issue criminal citations for violations of this ordinance, or violation of any stop-work order.

(A) Criminal prosecutions for violation of this ordinance shall be commenced by the completion, signing, and service of a citation by an authorized city official or zoning or code enforcement officer. No warning need be issued prior to a citation being issued. A stop-work order may be issued in conjunction with a citation.

(B) Each citation shall state the time and place at which the accused is to appear for trial in municipal court, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the police officer, code enforcement officer, or other authorized officer who completes and serves it.

(C) Any defendant who fails to appear for trial shall thereafter be arrested on the warrant of the municipal court judge and required to post a bond for his or her future appearance.

(D) The city attorney, or another attorney designated by City of Cleveland may act as prosecuting attorney for violations of this ordinance.

(E) Fines shall be assessed in accordance with Article XVI.

15.8.6 *Civil fines and proceedings*. In addition to or in lieu of any other remedy, the City may seek injunctive, mandamus or other appropriate relief in municipal court as appropriate or the Superior Court of White County to enjoin or prevent a violation of any provision of this ordinance. Such action may also seek civil fines at the mandatory rates specified in Article XVI for violation of this ordinance, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of this ordinance. The city shall be entitled to its reasonable attorney's fees and costs for bringing an action in municipal court or superior court wherein any relief is granted or fine assessed.

15.8.7 *Stop work orders*. Upon notice from the zoning administrator, designated code enforcement officers, or other authorized personnel, work on any project that is being done contrary to the provisions of this ordinance shall be immediately stopped.

(A) Stop work orders shall affect all work being done on a project or development (which may include work done on other lots in the subdivision owned by the same violator). Stop work orders stop not only the work in violation, but all other work by contractors or sub-contractors on the same property. Only work to remedy the deficiency shall be allowed until the stop work order is lifted.

(B) A stop work order shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency or other exigent circumstances exist, no written notice shall be required, and a verbal stop work order may be issued, with a written order to be provided within three working days.

(C) Stop work orders may be issued on their own, or in conjunction with criminal citations, or civil proceedings in municipal court or superior court.

(D) Issuance of a stop work order may be appealed to the Planning and Zoning Commission.

Sec. 64-15.9. Records.

The zoning department shall keep records of violators, whether corporate or individual, in order to determine when second or subsequent violations occur.

ARTICLE XVI. VIOLATIONS AND PENALTIES

Sec. 64-16.1. Violation.

Any person, partnership or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of the chapter shall be placed or shall exist, and any builder, contractor, or agent of the owner who may have assisted in the commission of any such violation shall be guilty of a separate offense. Said violations will be prosecuted in the Municipal Court of the City of Cleveland unless the Superior Court of White County has original jurisdiction.

Sec. 64-16.2. Penalty.

Except as otherwise provided, a person convicted of a violation of this chapter shall be punished by a fine not exceeding one thousand dollars ($1000.00), imprisonment for a term not exceeding six (6) months, or both. With respect to violations of this chapter that are continuous with respect to time, each day the violation continues is a separate offense.

ARTICLE XVII. AMENDMENTS

Sec. 64-17.1. Initiation of amendments.

17.1.1 *Text amendment*. An application to amend the text of this ordinance may be initiated by the zoning and planning commission or be submitted to the zoning and planning commission by the City Council, zoning staff, or by any person having an interest in the city.

17.1.2 *Map amendment*. An application to amend the official zoning map may be initiated by the planning commission or be submitted to the planning commission by the City Council or zoning staff, property owner or agent of the owner. Unless initiated by the City Council, the planning commission or zoning staff, all applications to amend the official zoning map must be submitted by an owner of the affected property or an authorized agent of an owner, following procedures set forth in sections 17.2 and 17.3. If submitted by an agent of the owner, such authorization shall be notarized and attached to the application. If a property has multiple owners, only one owner need file the application, and it will be assumed that the other owners consent; however, if any owner does not consent to the application (or otherwise objects), the rezoning application will not go forward. If owned by a corporation or other entity, the application must be filed by a person with proper corporate or entity authority, and the zoning administrator may require documentation to support a claim of authority.

17.1.3 *Resubmission after denial*. In the event an application for an amendment to the zoning map has been denied, another rezoning application affecting the same property shall not be submitted nor accepted until six (6) months have passed from the date of the final decision by the City Council.

17.1.4 *Alter conditions*. An application to alter conditions of rezoning may be submitted at any time after the final decision of the City Council. The applicant must show a change in

circumstances or additional information not available to the applicant at the time of the original decision by the City Council to impose the condition. Another application to alter the same condition shall not be submitted more than once every twelve (12) months, such interval to begin on the date of the final decision by the City Council on said application to amend the condition.

17.1.5 *Withdrawal*. An application may be withdrawn without prejudice at any time prior to the planning commission and city council hearing. The city may give permission for a withdrawal without prejudice at its hearing. Unless withdrawn at the hearing, the withdrawal must be in writing, signed and dated by the applicant.

17.1.6 *Simultaneous applications*. If multiple amendments are submitted on one parcel, they are to be considered in the following order: 1) text amendments; 2) zoning map amendment; 3) special use permit;
4) zoning condition amendment. Each application shall be voted on separately, in the above-stated order. If a rezoning change is denied and the proposed special use is not permitted in the original zoning district, that application shall be denied.

17.1.7 *Campaign contribution disclosures*. Applicants and opponents to rezoning actions that change the zoning district on a parcel are requested to consult the Conflict of Interest in Zoning Act, O.C.G.A. § 36-67A-1, which requires disclosure of campaign contributions, made within two years of the rezoning application, and aggregating $250.00 or more, to any planning commission member or any member of the City Council. Such disclosures should be filed at least five calendar days prior to the planning commission's hearing on forms available at the zoning office. Violation of this Act shall not affect the validity of the rezoning, but such action may be a misdemeanor under O.C.G.A. § 36-67A-4.

Sec. 64-17.2. Applications for amendments.

17.2.1 *Applications*. Each application required by this ordinance, including without limitation, to amend this ordinance, or the official zoning maps shall be filed with the zoning administrator. The following requirements for information are mandatory, unless the requirement is deleted by the zoning administrator. The zoning administrator may require additional information to evaluate the application, the suitability of the proposed use, and other aspects of any proposed development, and any such information shall be provided. Such information is not required for city-initiated applications.

17.2.2 *Fee*. Along with the application, a non-refundable application fee is to be submitted at the time the application is submitted, pursuant to the fee schedule as adopted by the City of Cleveland.

17.2.3 *Procedure*. All applications must be complete. Incomplete applications will not be accepted.

17.2.4 *Text amendment applications*. Text amendment applications shall include the following minimum information, unless the requirement(s) listed below are waived by the zoning administrator. Additional information may also be requested by the zoning administrator on the zoning application:

(A) Name and current address of the applicant;
(B) Current provisions of the text to be affected by the amendment;

(C) Proposed wording of text change; and
(D) Reason for the amendment request.
(E) Names and addresses of the applicant, owners and their agents, if any, authorized to apply for an amendment; and
(F) An initiating party shall also file any other information or supporting materials that are required by the City Council, planning commission, or zoning administrator.

17.2.5 *Zoning map amendment*. Official zoning map amendment applications shall include the following minimum information, unless the requirement(s) listed below are waived by the zoning administrator. Additional information may also be requested by the zoning administrator:
(A) A tax parcel card from the White County Tax Assessor identifying the parcel to be rezoned, or the parent parcel of the parcel to be rezoned, if a split or subdivision is occurring;
(B) One copy of a plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat. The plat must be drawn in accordance with the GA State plane NAD83 West Zone US Feet, Coordinate System and all submissions are expected to be in True North, not magnetic north. For subdivision or non- residential developments, an additional electronic copy of the plat shall be submitted by the applicant, owner or developer to the Planning Director;
(C) The present and proposed zoning district for the tract;
(D) Existing and intermediate regional floodplain and structures, as shown on the Federal Emergency Management Agency FIRM rate maps for the City of Cleveland, if any;
(E) The names and addresses of the owners of the land and their agents, if any;
(F) The names, addresses and zoning of all adjoining property owners. In determining the adjoining property owners, streams and road, street or railroad rights-of-way shall not be disregarded;
(G) No application for the rezoning of any property for a residential subdivision shall be accepted for filing unless the application is accompanied by a letter from the local government that will supply water to the property stating that public water is available to the property;
(H) Indicate all existing site improvements and confirmation of the availability of all public utilities.
(I) Street address, tax map parcel number(s), and the location of the tract proposed to be zoned with respect to nearby public streets.
(J) The area of the land proposed to be zoned in acres, and square feet.
(K) Such other and additional information as may be requested by the zoning administrator.

17.2.6 *Application schedule*. Applications shall be submitted according to the schedule set by the zoning administrator. Application fees for an application to amend this ordinance and/or the official zoning maps shall be established by the City Council and made available by the zoning administrator.

17.2.7 *Proposed conditions*. With respect to amendments to the official zoning maps, an applicant may file site plans, renderings, construction specifications, written development restrictions and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application.

Sec. 64-17.3. Public notification.

17.3.1 Legal notice. Not less than thirty (30) days and not more than forty-five (45) days prior

to the scheduled date of the public hearing the final action by the city council, and in accordance with O.C.G.A. 36-66-1, et seq, and not less than ten (10) days prior to the planning commission meeting, a notice of public hearing shall be published in the legal notice section of a newspaper of general circulation within the City of Cleveland. Such notice shall state the application shall contain a summary of the proposed amendment in the case of a text amendment, and the location of the property, its area, owner, the current zoning classification, and the proposed zoning classification in the case of a map amendment. Such notice shall include both the planning commission and the city council meeting dates, time and location of the hearings. Advertising of the legal notice as required in this section shall be the responsibility of the city. If the application is for amendment to the official zoning maps, then the notice shall also include the location of the property, the present zoning district of the property, and the proposed zoning district of the property. The cost of the advertisement shall be borne by the applicant. If the notice does not run in the newspaper in conformance with these requirements, the application cannot be considered as scheduled. The applicant shall coordinate with the zoning office and re-advertise for a future hearing, as assigned by the staff.

17.3.2 Signs posted. The zoning administrator shall post, at least fifteen (15) days prior to the planning commission's public hearing and the City Council's public hearing, in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted, a sign or signs containing information as to the application and date, time and place of the public hearing.

17.3.3 *Letters to property owners*. The city shall notify each owner of property adjoining the property for which the amendment (other than a text amendment) is sought by mailing to each property owner a letter by first class mail. Only owners reflected on the records of the tax assessors shall be sent to notice, unless otherwise directed by city council. In determining the adjoining property owners, road, street or railroad rights-of-way shall not be disregarded. Notice shall also be provided by letter to such other impacted property owners or interest holders by public notice as required by this ordinance. Said notice must be mailed at least fifteen (15) days prior to the date of said scheduled public hearing.

17.3.4 *City initiation*. The provisions of subsections 17.3.1, 17.3.2 and 17.3.3 shall apply if the application is initiated by the zoning department staff, the planning commission or the City Council.

17.3.5 *Fee*. Along with the application, a non-refundable application fee is to be submitted at the time the application is submitted, pursuant to the fee schedule as adopted by the City of Cleveland. A fee shall not be charged for applications initiated by the zoning staff, City Council or planning commission.

Sec. 64-17.4. Action by the planning commission.

17.4.1 *Commission*. The planning commission was established and remains authorized for action under this ordinance. Existing commission members shall continue in their current terms unaffected by the adoption of this ordinance.

17.4.2 *Members*. Each commission member shall receive compensation for their service as established by the City Council, and shall be reimbursed for actual expenses incurred while representing the commission. Appointments shall be made by resolution of the City Council. Any vacancy in the membership of the commission shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the City

Council provided, however, that any member who fails to attend three consecutive meetings, without cause, may be removed. The commission may adopt such by-laws as it deems necessary to provide for the orderly conduct of its business.

17.4.3 *Public hearing*. The planning commission shall hold a public hearing on each application for an amendment pursuant to this article. As to each application, the planning commission shall make a recommendation for approval, approval with conditions, or denial. A tie vote on any motion shall equate to denial. The planning commission may grant the applicant's request to withdraw without prejudice at its hearing.

17.4.4 *Tabling application*. The planning commission shall have the power to table applications to seek more time for further information to be submitted. The action by the planning commission to table the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application; and no further notice, such as that required by section 17.3, is required. The application can be tabled for up to three months at a time to obtain necessary information or for other reasons of the planning commission. The application can be tabled more than once if necessary, extending the duration the application remains on the table.

17.4.5 *Report*. A written report or summary of the planning commission's recommendation shall be prepared by the zoning staff, and shall be a public record. The planning commission's action may recommend amendments or conditions to the applicant's request which would reduce the land area for which the application is made, change the district requested and recommend conditions of rezoning which may be deemed advisable so that the purpose of this ordinance will, if applicable, be served, and health, public safety and general welfare secured.

17.4.6 *Quorum*. A quorum of the Planning Commission shall consist of five (5) members.

17.4.7 *Meetings*. Meetings of the commission shall be held at the call of the chair or in his or her absence the vice chair, and at such other times as the board may determine. All meetings of the commission shall be open to the public

17.4.8 *Minutes*. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the commission and may be a public record.

17.4.9 *Majority*. A majority of the members of the commission present (provided a quorum is present) shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation of this ordinance.

Sec. 64-17.5. Conduct of the planning commission's hearing.

17.5.1 *Sign up*. All persons who wish to address the planning commission at a hearing on the proposed amendment under consideration by the planning commission shall first sign up on a form to be provided by the city prior to the commencement of the hearing.

17.5.2 *Matter presented*. The chair of the planning commission or their designee will read the proposed amendments under consideration in the order determined by the zoning administrator. The zoning administrator, or his designee, shall then present the amendment,

along with the pertinent departmental reviews, if any, prior to receiving public input on the proposed amendment.

17.5.3 *Speakers.* The chair of the planning commission or their designee will then call each person who has signed up to speak on the amendment in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless a majority of the commission, in its discretion, allows the person to speak to the amendment, notwithstanding the failure of the person to sign up prior to the hearing.

17.5.4 *Time limits*. Each speaker shall be allowed five minutes to address the planning commission concerning the amendment then under consideration, unless the planning commissions, by majority vote of the members present, votes to allow additional time for a particular speaker to address the commission on said proposed amendment. The applicant shall have a minimum of ten minutes for his presentation (including all related witnesses or experts). The applicant may initially use all of the time allotted to him to speak, or he may speak and reserve a portion of his allotted time for rebuttal. Opponents are not allowed rebuttal or a second opportunity to speak, unless specifically granted by majority vote of the commission. In all circumstances, in order to comply with state law, the proponent(s) and opponent(s) of each amendment shall have no less than ten minutes per side for presentation of data, evidence, and opinion thereon; if there is only one applicant or opponent, such person shall have the full ten minutes if desired. In the event the opponents collectively take more than ten minutes, the applicant's time shall be extended similarly if desired. One member of the planning commission or zoning staff shall be designated as the time keeper to record the time expended by each speaker.

17.5.5 *Decorum and order*. Each speaker shall speak only to the merits of the proposed amendment under consideration and shall address his remarks only to the members of the planning commission. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed amendment under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed amendment is conducted in a fair and orderly manner.

17.5.6 These procedures shall be available in writing at each hearing.

Sec. 64-17.6. Action by the City Council.

17.6.1 *Public hearing*. Before taking action on a proposed amendment and after receipt of the planning commission recommendations, the City Council shall hold a public hearing on the proposed amendment made pursuant to this article, which shall be advertised as stated in section
17.3.1 and conducted pursuant to section 17.7.

17.6.2 Powers of the City Council. At the public hearing, the City Council shall review the analysis submitted by the initiating party and the recommendation prepared by the planning commission. So that the purpose of this ordinance will be served, health, public safety and general welfare secured, the City Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, or

add or delete conditions of the application. The City Council shall have the power to impose a different zoning classification from the classification requested and impose any zoning conditions which ameliorate the impact of the zoning, or serve other lawful purposes of this ordinance. The submission of an application for a rezoning shall be deemed notice of this power and consent to any such action. The City Council may also remand the application, if it has been changed or for any reason, to the planning commission for further review and recommendation.

17.6.2 *Tabling application*. The City Council shall have the power to table applications, or to seek more time for further information to be submitted. The action by the City Council to table the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application; and no further notice, such as that required by section 17.3, is required. The application can be tabled for up to three months at a time to obtain necessary information or for other reasons of the City Council. The application can be tabled more than once if necessary, extending the duration the application remains on the table.

Sec. 64-17.7. Conduct of the City Council's hearing.

17.7.1 *Sign up*. All persons who wish to address the City Council at a hearing concerning a proposed zoning decision under consideration by the City Council shall first sign up on a form to be provided by the city prior to the commencement of the hearing.

17.7.2 *Matter presented*. Proposed zoning decisions shall be called in the order determined by the City Manager. The Mayor or designee will read the proposed zoning amendments under consideration and the zoning administrator or designee shall summarize the departmental reviews and planning commission recommendations pertaining thereto prior to receiving public input on said proposed zoning decision.

17.7.3 *Speakers*. The Mayor or her designee shall call each person who has signed up to speak on the zoning decision in the order in which the persons have signed up to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify himself or herself and state his or her current address. Only those persons who signed up to speak prior to the commencement of the hearing shall be entitled to speak, unless the City Council, in his discretion, allows the person to speak to the zoning decision, notwithstanding the failure of the person to sign up prior to the hearing.

17.7.4 *Time limits*. Each speaker shall be allowed five minutes to address the City Council concerning the zoning decision then under consideration, unless the City Council allows additional time for a particular speaker to address the City Council on said proposed zoning decision. The applicant shall have a minimum of ten minutes for his presentation (including all related witnesses or experts). The applicant may initially use all of the time allotted to him to speak, or he may speak and reserve a portion of his allotted time for rebuttal. Opponents are not allowed rebuttal or a second opportunity to speak, unless specifically granted by the City Council. In all circumstances, the proponent(s) and opponent(s) of each amendment shall have no less than ten minutes per side for presentation of data, evidence, and opinion thereon; if there is only one applicant or opponent, such person shall have the full ten minutes if desired. In the event the opponents collectively take more than ten minutes, the applicant's time shall be extended similarly if desired. A member of the City Council's staff shall be designated as the time keeper to record the time expended by each speaker.

17.7.5 *Decorum and order*. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his remarks only to the City Council. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The City Council may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection. Nothing contained herein shall be construed as prohibiting the City Council from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.

17.7.6 These procedures shall be available in writing at all hearings.

Sec. 64-17.8. Appeals to Superior Court.

Appeals of the grant or denial of a rezoning decision shall be taken within thirty (30) days of the decision by filing an appeal in superior court, pursuant to the provisions in Title 5 of the Georgia Code. Such appeals shall be de novo.

Sec. 64-17.9. Standards for governing the exercise of zoning power.

The following standards governing the exercise of the zoning power are adopted in accordance with
O.C.G.A. § 36-66-5(b):
(1) The existing land uses and zoning classification of nearby property;
(2) The suitability of the subject property for the zoned purposes;
(3) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
(4) Whether the subject property has a reasonable economic use as currently zoned;
(5) Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;
(6) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
(7) Whether the zoning proposal is in conformity with the then current future development plan and community agenda of the comprehensive land use plan as currently adopted or as amended in the future;
(8) Whether the zoning proposal will result in a use which will or could; adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity;
(9) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
(10) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Sec. 64-17.10. Public hearing records.

The city clerk shall mechanically record the proceedings of all zoning public hearings. The record of the public hearing and all evidence submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning amendment's file.

Sec. 64-17.11. Projects of regional impact.

Any development or proposed project which is considered to be a project of regional impact by the State of Georgia must first be submitted to Georgia Mountains Regional Commission for review in accordance with the applicable state regulations and statutes before any zoning action can be taken with respect to said project.

Section 64-17.12. Annexation.

The zoning administrator and planning commission shall make recommendations to the City Council on the initial zoning of land proposed to be annexed in the City of Cleveland, Georgia. Annexation applications, meeting the requirements of O.C.G.A. Title 36, Chapter 36, shall be submitted to the zoning administrator and shall include the following information. Additional information may also be requested by the zoning administrator:

1. A legal description of said property to be annexed;
2. Title opinion of an attorney certifying to ownership of the property or a notarized statement from the property owner as of the date of filing the application;
3. A complete survey showing the property in relation to the present city boundary. Said survey shall be drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat. The plat must be drawn in accordance with the GA State plane NAD83 West Zone US Feet, Coordinate System and all submissions are expected to be in True North, not magnetic north;
4. A copy of the pertinent White County Tax Map or maps showing where the property to be annexed is located in reference to existing municipal boundaries;
5. Applicant's proposed initial zoning classification for the property under this ordinance;
6. Governmental services and utilities currently provided for the property to be annexed, either by White County, public or private utilities, municipalities or authorities;
7. If applicable, County-owned public facilities of the area proposed to be annexed;

A vote by the City Council on zoning for an annexation proposal shall not constitute final action on a zoning decision until the annexation is finally approved and effective, including pre-clearance pursuant to section 5 of the Voting Rights Act of 1975, as amended. No land annexed into the City of Cleveland, Georgia, shall be unzoned.

ARTICLE XVIII. LEGAL STATUS PROVISIONS

Sec. 64-18.1. Conflict with other regulations.

Whenever the regulations of this ordinance require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other ordinance or statute, the regulations and requirements of this ordinance shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this ordinance, the provisions of such statute or ordinance shall govern.

Sec. 64-18.2. Separability / severability.

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. It is the intent that any provision declared unconstitutional shall be severed from the ordinance, and the remainder of the ordinance remain in effect.

Sec. 64-18.3. Repealer.

This ordinance replaces the prior zoning ordinance, adopted 1970, as subsequently amended. In the event all of this ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, the prior ordinances shall be considered to not have been repealed, and shall therefore still be in effect. In the event the prior ordinance is declared void, unconstitutional or invalid, the next prior ordinance shall be considered to not have been repealed, and shall therefore still be in effect; and so on.

Sec. 64-18.4. Charge for copy of chapter.

There shall be a charge, payable to the City of Cleveland for each copy of this chapter to partially defray publication cost.

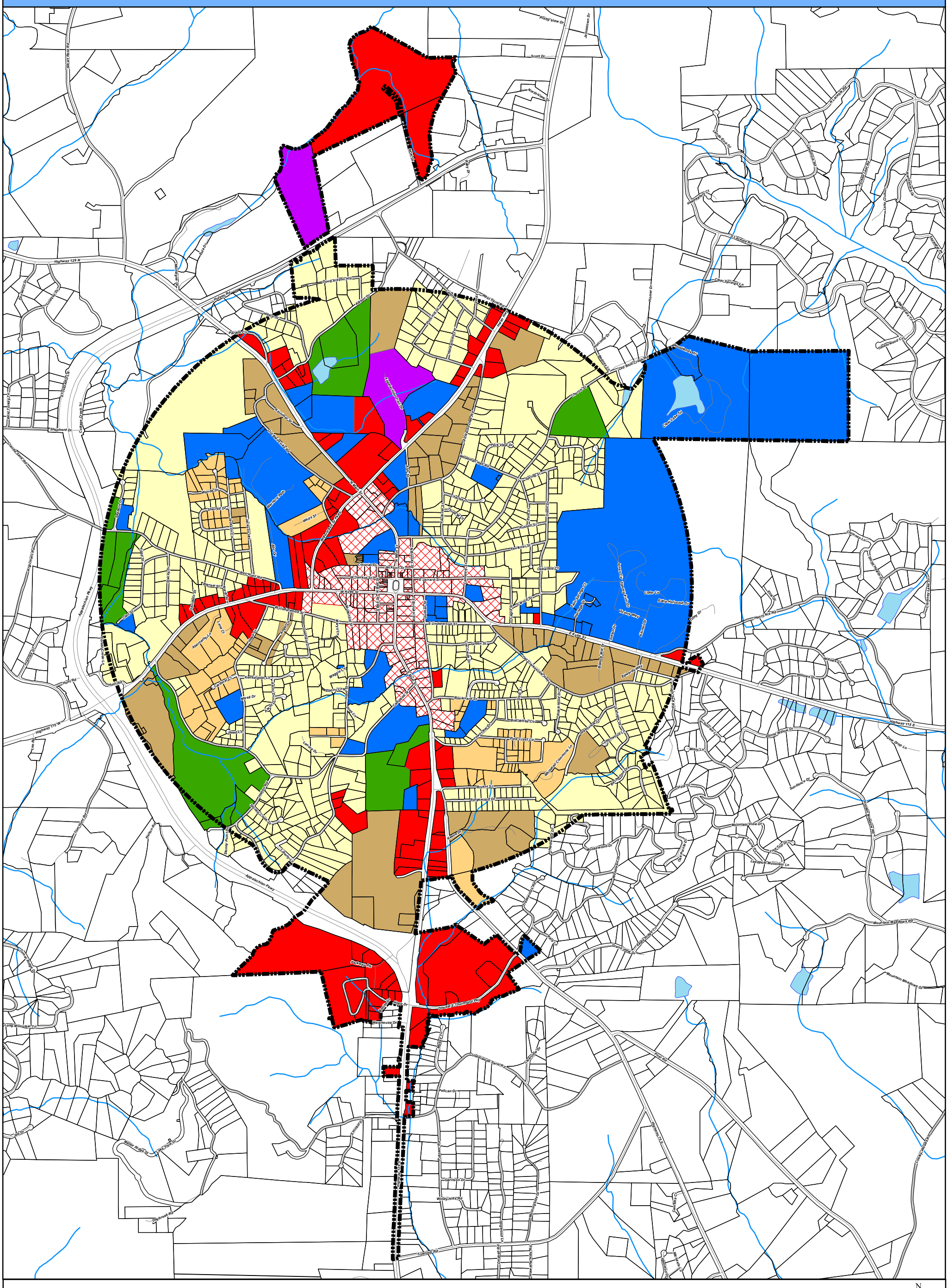
Sec. 64-18.5. Effective date.

This ordinance shall take effect and be in force as of the date of its adoption, the public welfare of the City of Cleveland demanding.

ARTICLE XXV. SUPPLEMENT: DISTRICT MAPS

A. Future Land Use Map
B. Zoning Map
C. Zoning Use Classification Chart
D. Over-Lay Map (reserved for future)

City of Cleveland Future Land Use Map



Georgia Mountains Regional Commission

Map Prepared by FDB, June, 2023

City of Cleveland Zoning Map

N
W E
S

Jamestown Dr
Scott Dr
North View Dr
N Laceola Rd
Laxemont Rd
S Laceola Rd
Homer Dr
Holcomb Dr
Bedney Ln
Old Blue Creek Rd
Woodlands Trl
Clear Lake Trl
Nolen Dr
Raby Dr
Hulsey Rd
Albert Reid Rd
Montagna Dr
Eula Dr
Cantrell Rd
West Farm Rd
Vieras Dr
Highway 129 N
Foxwood Dr
Lindsey Dr
Doug Allison Hts
Allison Dr
Hilltop St
Pardue Cir
Pine Hill Dr
Honeycomb Ter
Helen Hwy
Appalachian Trail Dr
Church St
Old Nacoochee Rd
Park View Dr
Woodman Hall Rd
Spring St
Charles Dr
Faulkner St
Pine St
Dixon Dr
Russell St
Faulkner St
Oakwood Ct
Jones Cir
Cofer Ln
Tommy Irvin Dr
Victory Way
Alumni Dr
Heritage Dr
Sutton Dr
Tilley Dr
Ellis Dr
Henry Nix Rd
Willows Ct
Willows Dr
E Kytle St
Highway 115 E
Hugh Self Rd
Sunrise Ln
Misty Ln
Pointe Willow Dr
Chimney Rdg
Sundance Dr
Hidden Meadow Rd
Vista Dr
Mountain View Dr
Laurel Pl
Tree Top Dr
Oak Pointe Dr
Moosewood Dr
Woodlawn Dr
Hardwood Dr
Tradewinds Rd
Eagle Ridge Trl
Pine Ln
Grand View Dr
Post Rd
Highway 75 S
Underwood Farm Rd
Clearview Dr
Mossy Trl
Pelican Dr
Putnam Rd
Garrison Dr
Windy Hills Rd
Morningside Dr
Boxwood Ln
Driskell Rd
Truelove Rd
Highway 129 S
S Hickory Ln
Lake View Dr
Manor Ridge Dr
Daybreak Rd
Tupelo Dr
Holeman Rd
Pear Tree Ln
Long Mountain Trl
Jeb Dr
Turner Ridge Dr
Parkway Plz
Hope Dr
Donald E Thurmond Pky
Warehouse Dr
Appalachian Pkwy
Helton Rd
Stoney Point Dr
Stoney Creek Dr
Liberty Ln
Tom Hunt Rd
Redbud Dr
Trinity Trl
Haybrook Dr
Town Creek Rd
Highway 115 W
Lee Rd
Tesnatee Gap Valley Rd
Frances Dr
Hunt Rd
Forest Creek Ln
Cardinal Ct
Kensington Ln
Ascot Dr
Mizell Dr
Head Ln
Lenora Dr
Maggie Ln
Ebony Ln
Hood St
Joes Ln
Campbell St
S Main St
Boulevard St
Shilo St
Bob White Cir
Pine Crest Cir
Townview Dr
Robinhood Dr
Leafview Dr
Cottonwood Ln
Whitehall Commons Ln
Birchwood Dr
Bryant St
Ridgewood Dr
Keene Dr
Green St
Old Clarkesville Hwy
Blalock Mill Dr
Edwards Way
E Underwood St
W Underwood St
E Jarrard St
W Jarrard St
W Kytle St
Jackson St
Colonial Dr
N Brooks St
S Brooks St
N Bell St
S Bell St
Cemetery St
Quillian St
Carroll St
Eagle St
Madonald St
Marys Ln
Angel Ln
Deerfield Dr
Lena Ct
Abernathy Ln
Head St
Barrett St
North Ave
Davidson St
Clint St
Stacey Dr
Todd St
Jess Hunt Rd
Seaborn Dr
Wanda Dr
Sherrell Dr
Jackson Cir
Jackson Hts
Warriors Path
White St
Abc Dr
Wilford Ash Sr Pkwy
Village Cir
Ash St
N Main St
Old Blairsville Rd
Khinner St
Shepherd Dr
Wild Turkey Trl
Stoddard Ln
Cottage Creek Trl
Foxwood Dr
Lindsey Dr
Amanda Ln
Shadowood Dr
Virgil Hunt Rd
Ridge View Ct
Hunts Ridge Dr
Glaude Sims Rd

CITY OF CLEVELAND
City of Mountain Breezes
ESTABLISHED
1870
GEORGIA

Informaion depicted herein is for reference purposes only and is compiled from best available sources. The City of Cleveland makes no warranty, expressed or implied, concerning the accuracy or completeness of information depicted herein.

Prepared by White County GIS
October 05, 2015
Revised:
October 23, 2024

Adopted by the Mayor & Council of the City of Cleveland, Georgia

Adopted Date

Effective Date

Josh Turner, Mayor Lisa Ritchie, City Clerk

Legend

Zone_New

- AG: Agricultural
- B-1: Central Bus. District
- B-2: Highway Comm. Dist
- H-I: Heavy Industrial
- L-I: Light Industrial
- P-I: Public/Institutional
- PR-D: Planned Res. Development
- R-1: Single-Family Res.
- R-2: Single-Family Res.
- R-3: Single-Family Res.
- R-4: Multi-Family Apt Res.

0 0.1 0.2 0.3 0.4
Miles

Land Use Classification Chart

The following chart identifies the uses which are permitted in each zoning district and uses which are eligible for a conditional use permit. Permitted uses are marked with a "P" and uses eligible for consideration under the issuance of a conditional use permit are marked with a "C". Uses that require a special use permit are marked with an “S”.

Additional development regulations or standards may further be requires in the mixed use district marked with an "*". These districts are guided by an approve master plan.

CITY OF CLEVELAND ZONING CLASSIFICATION CHART

Uses	AG	R-1	R-2	R-3	R-4	PR-D*	PC-D*	PM-U*	B-1	B-2	P-I	L-I	H-I
Agriculture uses including the production of field crops, fruits, nuts, vegetables, forestry products and animal grazing. Heavy commercial agricultural operations and uses such as feedlots and swine and poultry raising and similar uses are not permitted	P												
Agri-tourism, heritage tourism, wedding tourism facilities, and attractions with required driveway access improvements, parking facilities, utility improvement and provided that all structures and activity areas are buffered and located a minimum of one hundred (100) feet from the boundary of any other land use district	P												
Adolescent treatment facilities										P			
Adult entertainment establishments													S
Amusement Park										C			
Amusement, indoor								P				P	
Animal Boarding, Daycare Facility	P												
Animal Hospital, Clinic, Grooming	P												
Assembly Hall								S					
Automotive Repair Facility - Major									P	P		P	
Automotive Repair Facility - Minor								P	P	P		P	
Automotive/Truck - Sales, Service, Parts, Rental								P	P	P			

Uses	AG	R-1	R-2	R-3	R-4	PR-D*	PC-D*	PM-U*	B-1	B-2	P-I	L-I	H-I
Automotive/Truck - Salvage, Scrap Parts									P		P		S
Accessory building or uses	P	P	P	P	P	P	P	P	P	P			
Accessory apartments		C							P		P		
Amateur radio transmitter									C	P		P	P
Amenities as defined by this chapter		P	P	P	P	P	P	P	P	P			
Apartments					P		P	P	P	P			
Art galleries										P		P	
Aviation airports													S
Bank, Financial Institution	P	P	P			P		P	P	P			
Barber shops, beauty salons							P	P	P				
Bar/Tavern/Pub	P	P					P	P	P				
Bed and Breakfast Inn	p	P		P			P	P	C				
Boat sales and service										P			
Bowling Alley										P			
Broadcast Station - With antenna					C			P		P			
Broadcast Studio - No antenna or visible communication device							P	P		P			
Bus stations										P		P	C
Car Wash										P			
Catering, carry out, delivery							P	P	P	P			
Cemetery	C	C									P		
Cemetery (pet)											P		
Check Cashing/Title Pawn/Bail Bond (R)				C									
Clinics (excludes veterinary)								P	C	P			
Clinic or hospital, animal										P		P	C
Clubs or lodges (non-commercial)					C	p		C	C	P	P	S	
Clustered cottages detached dwellings				P					P				
College and university dormitory housing			C		P			P			P		
Colleges and universities								P		P	P		
Communication, Cellular, Microwave Tower								P		P	C	P	C

Uses	AG	R-1	R-2	R-3	R-4	PR-D*	PC-D*	PM-U*	B-1	B-2	P-I	L-I	H-I
Community Centers								P					
Community Fairs	P												
Condominiums					P	P		P	C				
Congregate Housing			C										
Construction contractors, trade contractors- office								P	P	P		P	P
Consumer fireworks retail sales facility, in accordance with State holiday sales requirements and as approved by the Fire Chief										P			
Convenience stores							P	P	P	P			
Dance Schools								P		P			
Daycare facilities			C						P	P	P		
Daycare facilities in home		C		C	C	C		P		P			
Delicatessens									P				
Distribution centers, (not including processing, fabrication or manufacturing)										P		P	P
Drive-in theaters										P			
Dry Cleaning/Laundry drop off, pick-up								P	P	P			
Duplex Dwellings				P	P			P					
Family day care facility		C		C	C			P					
Farm equipment and supplies store										P			
Farm structures, including barns, grain storage facilities, implement sheds and other structures accessory to agricultural uses are allowed meeting required setbacks from all property lines.	p												
Farm wineries, tasting rooms and associated dining facilities	P												
Farm Distilleries and breweries, tasting rooms and associated dining facilities	C												
Fortune Tellers										S			

Uses	AG	R-1	R-2	R-3	R-4	PR-D*	PC-D*	PM-U*	B-1	B-2	P-I	L-I	H-I
Funeral Home								P			P		
Funeral Home - With crematory										P	S		
Gas/Fuel Station							P	P					
Golf Facility - Public or Private									C			P	
Government Buildings						P	P	P	P	P	P	P	P
Group Home and Care Facility			C		S			S					
Greenhouses and aqua culture	P												
Guest Houses	P	C						P					
Gyms, health clubs							P	P	P			P	
Halfway houses										S			
Heavy Equipment - Sales, Service, Storage, Rental										P			P
Home Occupation	P	P	P	P	P	P	P	P					
Homeless shelters										S			
Hospices								S		P			
Hospital and medical facilities						C	P	p		P	P		
Hotels							P	P	P	P			
Instructional Studios	P	P	P			P	P	P					
Junk, Salvage Yard													S
Kennels										P			
Liquor, Package Store (R)	P	P						P		P			
Laundromats								P	P				
Laboratories (medical and dental)								P		P			
Landscaping businesses										P			
Machine Shop, Fabrication Facility												P	P
Manufacturing Facility												P	C
Manufactured Homes	P		P										
Manufactured home sales										P			
Movie/Performance Theater										P			
Museum								P	P	P			
Nursing Home and assisted living facilities								P		P			

Uses	AG	R-1	R-2	R-3	R-4	PR-D*	PC-D*	PM-U*	B-1	B-2	P-I	L-I	H-I
Office - Common Business, Medical, Professional Service	P	P	P	P	P	P	P	P	P	P		P	P
Outdoor golf driving range										P		P	
Park/Open Space - Public	P	P	P	P	P	P	P	P	P	P	P	P	P
Parks/Open Space - Private	P	P	P			P	P	P	P		P		
Parking garages/lot										P	P	P	P
Places of assembly									C	C	C	C	
Pawn Shop/Precious Metal								S		P			
Performing Arts Center										C	C		
Personal care homes and assisted living centers			C		S			P		C			
Personal Services						P	P	P					
Plant nurseries	P									P			
Printing establishments								P	P	P	P		
Processing not to exceed 20,000 sq. ft.												P	
Public Utility facilities	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Center/Facility - Commercial					P	P	P	P			P	P	
Recreational Vehicle - Sales, Service, Parts, Rental										P			
Religious institutions	P	C	C		C		C	C	C	P	C	C	
Repair Shop - Appliances, Equipment								P	P	P			
Research Facility/Laboratory										P		P	P
Residential - Multi-Family					P		P	P					
Residential - Single Family Attached				P		P							
Residential - Single Family Detached		P	P	P			P	P	P	P			
Restaurant - Fast Casual/Full Service	P	P	P			P	P	P	P	P		P	
Restaurant - With Drive-Thru	P	P	P				P	P	C	P		P	
Retail Store						P	P	P	P	P			
Retail - Outdoor	C					P	P	P		P			
Retirement Centers					C			C	C	P			
Row Houses				P									
Riding stables	P												

Uses	AG	R-1	R-2	R-3	R-4	PR-D*	PC-D*	PM-U*	B-1	B-2	P-I	L-I	H-I
Salvage Yards													S
Sawmill, Lumberyard													C
Schools - Private		C	C		C			C	S	C	P	P	
Schools of business, dance, music, or similar									P				
Self-Storage, Mini Warehouse								P		P		P	
Service establishments										P			
Service Stations								P		P			
Sexually Oriented													S
Skating Rinks										P			
Stadiums								P		S			
Storage Yard	C	C		C	P								
Tattoo Parlor/Body Piercing												P	
Taxi Stands										P		P	
Theaters									P	P			
Town houses				P		P		P	C				
Truck Terminal										C		P	C
Trash transfer stations													S
Vacation rental following all city short term rental code requirements	P	P	P						C				
Warehouse - Storage	C	C		P	P							P	
Warehouse - Distribution	C	C		C	P							P	
Waste Transfer Station					C								
Wholesale sale office								P		P		P	
Wholesale trade and distribution										P		P	C
Wildlife Conservation Park										P			
Youth educational camps											P		

P = Permitted; C = Conditional Use Permit; S = Special Use Permit; * Mixed Use District – Master Plan guidance and standards.

CLEVELAND FIRST METHODIST CHURCH

April 21, 2026

City of Cleveland, Georgia
85 South Main Street
Cleveland, GA 30528

Dear Mayor Turner and Council Members:

Cleveland First Methodist Church, Inc., has recently learned that our parsonage property is not in compliance with the City of Cleveland's zoning requirements. Therefore, we are requesting to change our zoning classification from PI to R-1 and are submitting our application accordingly.

As a little background, Cleveland First Methodist Church has always used our parsonage property as a residence for Pastor and family, except for a brief period many years ago when it was used as a Youth Center. When we lost our Pastor in June 2020, the incoming Pastor resided in Toccoa, Georgia, and wanted to commute to Cleveland and remain in Toccoa to support his elderly parents. We then started a costly renovation on the parsonage; however, the pastor continued to stay in Toccoa because of his parents declining health. As a result, the parsonage basically sat vacant 2020 – 2024. In April 2024, we hired a new Pastor, and he and his wife lived there through December 2024 when he resigned and returned to Texas. Our current Pastor started in January 2025, is a long-term resident of White County and remains in his own home.

To prevent the parsonage from sitting vacant for another extended period of time, the Church Board started exploring options for the residence. We did not want to become a landlord and enter into the rental property business. Our desire was never to rent directly to the public, which would require the vetting of potential renters. We wanted to be in a long-term relationship with an entity that could use the property, provide a service to the community without our congregation incurring any additional cost. We contacted multiple organizations within White County in an effort to ascertain options. NOK Freudenburg was one of the entities contacted. NOK has periodic needs for temporary housing, rotating engineering personnel, as well as an internship program for existing college students that may eventually become employees. We entered into a long-term arrangement with NOK for their use of our parsonage. This started in August 2025, with 3 young ladies from Georgia Tech taking residence in the parsonage and entering the internship program at NOK.

112 East Kytle Street; P O Box 1226; Cleveland, GA 30528
Phone: 706-865-2228 - Email: office@clevelandmethodist.church

Our agreement with NOK requires the Church to provide continued maintenance, all upkeep of the property, all utilities as well as lawn and landscaping to ensure the parsonage property is maintained at a professional standard. Therefore, it could be argued this is an Outreach or Mission of the church to the greater White County community; however, we do recognize the benefit of an increased stream of revenue.

Attached is our completed application, and we appreciate your consideration in this matter. If there are any questions, please do not hesitate to contact me.

Sincerely,

Arlene Clay

Arlene Clay
CFMC Trustee Chair
(706) 892-7210

Att.

Mayor
Josh Turner

Council Members
Nan Bowen
Annie Sutton
Jeremy McClure
CJ McDonald

Est. 1870
City of Mountain Breezes
CLEVELAND, GEORGIA
85 South Main St., Cleveland, GA
30528
706-865-2017
www.cityofclevelandga.org

City Administrator
Kevin Harris

City Clerk
Lisa A Ritchie

DATE: May 7, 2026

TO: City of Cleveland Planning and Zoning Commission Members

FROM: Tom O'Bryant c/o Nadine Wardenga, Chair, Planning and Zoning Board

RE: Scheduled Meeting

On behalf of Chair Nadine Wardenga, a meeting has been scheduled for Thursday, May 28, 2026, at 6:00 P.M. to hear the enclosed application.

The City of Cleveland has received an application from **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.**

The City of Cleveland Planning and Zoning Board Commission is scheduled to consider this application on **Thursday, May 28, 2026, at 6:00 p.m. at 342 Campbell Street Cleveland Community Center/ Police Department.**

The City of Cleveland City Council is scheduled to consider this application on **Monday, June 15, 2026, at 6:30 p.m. at 342 Campbell Street Cleveland Community Center/Police Department.**

Mayor
Josh Turner

Council Members
Nan Bowen
Annie Sutton
Jeremy McClure
CJ McDonald

Est. 1870
City of Mountain Breezes
CLEVELAND, GEORGIA
85 South Main St., Cleveland, GA
30528
706-865-2017
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City Administrator
Kevin Harris

City Clerk
Lisa A Ritchie

May 7, 2026

Ms. Arlen Clay
Cleveland First Methodist Church, Inc.
P.O. Box 1226
Cleveland, Georgia 30528

RE: Rezoning request – Tax Map and Parcel C01D 108

Dear Ms. Clay,

The City of Cleveland has received your application requesting **re-zoning for a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.**

The City of Cleveland Planning and Zoning Board Commission is scheduled to consider this application on **Thursday, May 28, 2026, at 6:00 p.m. at 342 Campbell Street Cleveland Community Center/ Police Department.** The City of Cleveland City Council is scheduled to consider this application on **Monday, June 15, 2026, at 6:30 p.m. at 342 Campbell Street Cleveland Community Center/Police Department.**

The Cleveland City Council requires your attendance and comments at these meetings. Should you need additional information, please contact the Cleveland Economic Development Director, Tom O'Bryant at (706) 865-2017. A representative, for the application, is required to attend both meetings.

Sincerely,

Tom O'Bryant
Economic and Planning Development Director

Mayor
Josh Turner

Council Members
Nan Bowen
Annie Sutton
Jeremy McClure
CJ McDonald

Est. 1870
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City Administrator
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CITY OF CLEVELAND
NOTICE OF PUBLIC HEARING

May 7, 2026

The City of Cleveland has received an application from **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.**

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The Cleveland City Council welcomes your attendance and comments. Should you need additional information, please contact the Cleveland Economic Development Director, Tom O'Bryant at (706) 865-2017.

File

CLEVELAND FIRST METHODIST, CHUR(
112 E KYTLE ST
CLEVELAND GA 30528-1252

FREEMAN WANDA, FREEMAN JERRY
2588 DUNLAP MILL RD
GAINESVILLE GA 30506-1848

UNITED COMMUNITY BANK
PO BOX 398
BLAIRSVILLE GA 30514-0398

YOUNG ROBERT BRIAN, YOUNG PATTI
PO BOX 3379
CLEVELAND GA 30528-0059

APPLICATION FOR REZONING AND/OR ANNEXATION

CITY OF CLEVELAND, GEORGIA

Application Number: 2056 Application Date: 4-27-26

APPLICANT: Cleveland First Methodist Church, Inc.
ADDRESS: 112 E. Kytle St.
CITY, STATE, ZIP: Cleveland, GA 30528
TELEPHONE: 706-865-2228
EMAIL: office@clevelandmethodist.church
PROPERTY ADDRESS: 152 E. Kytle St.
CITY, STATE, ZIP: Cleveland, GA 30528
TAX MAP AND PARCEL NUMBER: C0ID 108
NEAREST ROAD INTERSECTION: E. Kytle St + Quillian St.
CURRENT ZONING: P-1 PROPOSED REZONING: R-1
CURRENT USE: residential rental
PROPOSED USE: residential rental
If rezoned, when will proposed use start? immediate
SIZE OF PROPERTY: 0.3884 [X] ACRES or [ ] SQUARE FEET
IS SUBJECT PROPERTY VACANT: ( ) YES (X) NO
DO YOU REQUEST ANNEXATION OF THE SUBJECT PROPERTY: [ ] YES [X] NO

PROPERTY OWNER: Cleveland First Methodist Church, Inc
ADDRESS: 112 E. Kytle St, P.O. Box 1226
CITY, STATE, ZIP: Cleveland, GA 30528
TELEPHONE: 706-865-2228
EMAIL: office@clevelandmethodist.church

****If the person submitting the request is not the property owner but is acting as the agent for the zoning request, please fill out the following information and submit the attached authorization by the property owner.

AUTHORIZATION OF PROPERTY OWNER

I swear/affirm that I am the owner of property located at (property address):

152 E. Kytle St, Cleveland, GA 30528

which is the subject matter of the attached application, as is shown in the records of White County, Georgia.

I authorize the person named below to act as applicant or agent in the pursuit of the rezoning and/or annexation of this property.

Todd W Mann — Property Owner Signature — 4/21/2026 — Date

Margie Savage — Notary — 4-21-2026 — Date

AUTHORIZED AGENT: Arlene Clay, CFMC Trustee Chair

ADDRESS: 47 College View Drive

CITY, STATE, ZIP: Cleveland, GA 30528

TELEPHONE: 706-892-7210

EMAIL: gamtnclay6gmail.com

I hereby attest that the information I have provided in this application is true and accurate, to the best of my knowledge. I also agree to cooperate with the City of Cleveland in responding promptly to any reasonable request for additional information that may arise during the review process.

Arlene Clay — Signature of Owner or Authorized Agent — 4/21/2026 — Date

Margie Savage — Notary — 4-21-2026 — Date

AD VALOREM TAX INFORMATION
CITY OF CLEVELAND

Tax payer name: Cleveland First Methodist Church, Inc.

Map #: C01D Parcel #: 108

All property taxes on the above referenced map and parcel were paid on: _____

Tax Clerk Signature: Kerrie Dockery Date: 4.21.26

APPLICATION AGREEMENT

Application is hereby made according to the Laws and Resolutions of the City of Cleveland, Georgia to construct and/or on the application and attachments. If a rezoning and/or annexation/variance is issued, I agree to conform all laws and resolutions regulating the same.

By signature below, I certify that the application and the attached data are true and correct.

Applicant signature: Arlene Clay Date: 4/21/2026

CITY OF CLEVELAND
APPLICATION FOR ZONING ACTION
CAMPAIGN CONTRIBUTIONS
DISCLOSURE FORM

This form is required for all zoning actions.

Code of Georgia
36-67A-3. Disclosure of campaign contributions

A) When any application for zoning action has been made, with two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1). The name of the official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning and/or annexation action and the date of each contribution.

The disclosure required by subsection (A) of this code section shall be filed within ten (10) days after the application fir the zoning action is first filed. (Code 1981, Section 36-67A-3, enacted by GA. L. 1986, page 1269, Section I; GA .L. 1991, page 1365, Section 1.)

APPLICANTS CERTIFICATION

I hereby certify that I have read the above and declare that

☐ I have* ☒ I have not

within the two (2) years immediately preceding this date, made any campaign contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

Arlene Clay
Applicant signature

4/21/2026
Date

*Note: *If you have made any such contribution(s), you must provide the information required in subsection (A) above within ten (10) days of the filing date of this application.*

MAP PREPARED FOR

CLEVELAND FIRST METHODIST CHURCH

CITY OF CLEVELAND
LAND LOT 38 ——— 2nd DISTRICT
WHITE COUNTY, GEORGIA
DATE: 04-27-2026 —— SCALE: 1"= 40'
B/205-6

GRAPHIC SCALE
40' 20' 0 40' 80' 120'

MAGNETIC MERIDIAN

THIS BLOCK RESERVED FOR THE CLERK OF SUPERIOR COURT.

THIS PROPERTY IS NOT IN A DESIGNATED FLOOD HAZARD AREA.

STATE ROUTE NO. 115 E. 60' R/W EAST KYTLE STREET

182.40' TO R/W OF QUILLIAN STREET
IPS
S87°06'E
212.10'
STEPS
W.M.
W.M.
IPF
30' EASE
DEED BOOK 1680
PAGE 383

0.84 ACRES
MAP CL01D, PARCEL 108

PAVED
S01°49'17"W - 174.29'
167.06'
STEPS
N02°51'E
PORCH
BRICK PARSONAGE
C.P.
CONC.
PORCH

"CLEVELAND FIRST METHODIST CHURCH"
PLAT BOOK 23, PAGE 128
PARCEL 107

PAVED PARKING LOT

"ROBERT YOUNG"
PLAT BOOK 2018, PAGE 166
PARCEL 109

N85°11'W - 215.35'
IPF
104.10'
IPF
WOOD FENCE
SHED
SHED
P/L
P/L
P/L

"JERRY FREEMAN"
DEED BOOK 1627, PAGE 124
PLAT BOOK 23, PAGE 139
PARCEL 104

"CLEVELAND FIRST METHODIST CHURCH"
PARCEL 106

JOB NO. 26-025

"CLEVELAND FIRST METHODIST CHURCH"
PLAT BOOK 22, PAGE 198
PARCEL 105

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN FEET AND AN ANGULAR ERROR OF PER ANGLE POINT, AND WAS ADJUSTED USING RULE.

EQUIPMENT USED – TOPCON GTS-2B TOTAL STATION

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN FEET.

GEORGIA
WHITE COUNTY
COUNTY SURVEYOR
EDDIE HOOD

4-27-26

EDDIE HOOD & ASSOCIATES
8 COURTHOUSE SQUARE
CLEVELAND, GA. 30528
PHONE: (706) 865-3876
CELL: (706) 878-6040

White County, GA

Homestead Application

Apply for Homestead Exemption

Summary

Parcel Number	C01D 108
Location Address	152 E KYTLE ST
Legal Description	LL38 LD2 (Note: Not to be used on legal documents)
Property Class	E-Exempt (Note: This is for tax purposes only. Not to be used for zoning.)
BookPage	23 128
Tax District	02-Cleveland
Millage Rate	25.888
Acres	0.38
Neighborhood	DOWNTOWN CLEVELAND

View Map

Owners

Current Owner
CLEVELAND FIRST METHODIST
CHURCH INC
112 E KYTLE ST
CLEVELAND, GA 30528-1252

Land

Class	Land Use	Acreage	Frontage	Depth	Zoning	Value
E2	7100 CHURCH	0.38	0	0	INST	$165,000

Residential Information

Style	SINGLE FAMILY RESIDENTIAL
Heated Square Footage	2200
Total Square Footage	2948
Actual Year Built	1966
Effective Year Built	1980
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Story Height	1.0 Story
Air Conditioning Type	Central
Exterior Walls	Face Brick
Fireplace	None
Foundation	Continuous Footing
Heating Fuel	Electric
Heating Type	Heat Pump
Interior Floor Cover	Carpet
Interior Floor Cover	Sheet Vinyl
Interior Wall Construction	Drywall/Sheetrock
Roofing Cover	30-50 YEAR Shingle
Roofing Structure	Hip
Sub Floor System	Plywood
Value	$246,720

Sales

Sale Date	Sale Price	Instrument Type	Deed Book	Deed Page	Reason	Vacant\Improved	Grantor	Grantee
12/20/2023	$0	WD	01915	0475	L	Improved	CLEVELAND METHODIST CHURCH	CLEVELAND FIRST METHODIST
02/01/1988	$0	WD	00118	0187	X	Vacant		

Area Sales Report

Sale date range:

From: 04/20/2(To: 04/20/2(

Search Sales by Neighborhood

Search Sales by Subdivision

Distance: 1500 Units: Feet Search Sales by Distance

Valuation

	2025	2024	2023	2022	2021
Previous Value	$411,720	$360,700	$360,700	$313,620	$301,660
Land Value	$165,000	$165,000	$165,000	$165,000	$165,000
+ Building Value	$246,720	$246,720	$195,700	$195,700	$148,620
+ Accessory Value	$0	$0	$0	$0	$0
= Fair Market Value	$411,720	$411,720	$360,700	$360,700	$313,620

Generate Owner List by Radius

Distance: 100 Feet

Use Address From:

(•) Owner ( ) Property

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

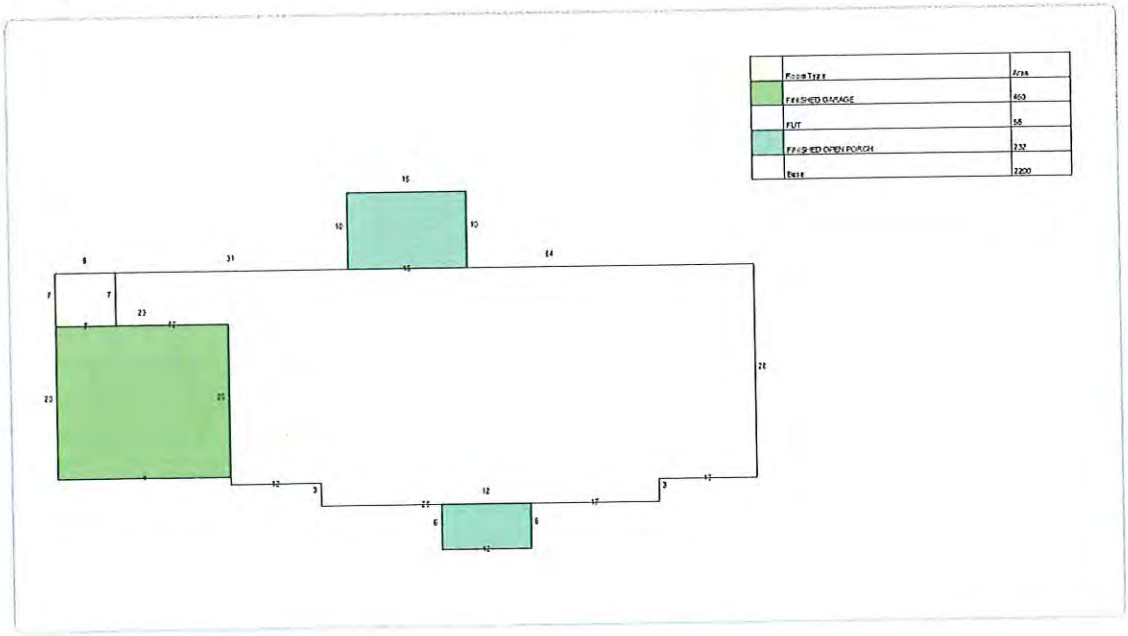
[x] Show All Owners

[ ] Show Parcel ID on Label

Skip Labels 0

Download

Sketches



No data available for the following modules: Online Appeal, Commercial Information, Mobile Homes, Accessory Information, Photos, Assessment Notice.

2025 Property Tax Statement

Cindy Cannon
White County Tax Commissioner
P. O. Box 970
Cleveland, GA 30528
Phone 1 (706) 865-2225 - Fax 1 (706) 219-0078
wctc@whitecountyga.gov

BILL NO.	PRINTED	LAST PAYMENT MADE ON	PAYMENT GOOD THROUGH	DUE DATE	TO
2025-3633	04/21/2026				0.00
PID		LOCATION			
C01D 108		152 E KYTLE ST			

MAKE CHECK OR MONEY ORDER PAYABLE TO:
White County Tax Commissioner

This is your 2025 Ad Valorem Property Tax Statement. This bill must be paid in full by due date shown above in order to avoid interest and penalty charges. Interest and penalties are governed by Georgia Code. If payment is made after the due date, please call the office for the current amount due. State law requires all bills be mailed to the owner of record as of January 1st of the tax year. If you have sold this property, please forward this bill to the new owner and notify our office. Please note that your Tax Commissioner is responsible for billing and collections and is not responsible for the property value on your bill or the millage rate. Thank you for the privilege of serving you as your Tax Commissioner. Cindy Cannon

CLEVELAND FIRST METHODIST CHURCH INC
112 E KYTLE ST
CLEVELAND, GA 30528-1252

RETURN THIS PORTION WITH PAYMENT (Interest will be added per month if not paid by due date)

2025
Property Tax Statement

Cindy Cannon
White County Tax Commissioner
P. O. Box 970
Cleveland, GA 30528
Phone 1 (706) 865-2225 - Fax 1 (706) 219-0078
wctc@whitecountyga.gov

PROPERTY OWNER(S)	CLEVELAND FIRST METHODIST CHURCH INC
PID	C01D 108 REAL
DESCRIPTION	LL38 LD2
LOCATION	152 E KYTLE ST
BILL NUMBER	2025-3633
DISTRICT	002 CITY OF CLEVELAND
PRINTED ON	04/21/2026

BUILDING VALUE	LAND VALUE	ACRES/LOTS	TOTAL FAIR MARKET VALUE	DUE DATE	BILLING DATE	PAYMENT GOOD THROUGH	EXEMPTIONS
411,720	0	0.3800	411,720				

ENTITY	ADJUSTED FAIR MARKET VALUE	NET ASSESSMENT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	GROSS TAX	CREDIT TAX AMT	NET TAX AMT
- NO TAX ACCTS SPECIFIED -				0	0.0000			
TOTALS					**0.0000**	**0.00**	**0.00**	**0.00**

FIRST NOTICE

Each resident of White County is eligible for a Homestead Exemption on the property they own and occupy as their permanent residence on January 1st of the taxable year. Homestead Exemption applications are accepted year round by the White County Assessors office however, your application must be made before April 1st to apply to the taxable year. All tax returns are filed with the White County Assessors office between January 1st and April 1st of the taxable year. For questions about your Homestead Exemption or filing a tax return, you may reach the Assessors office at (706) 865-5328. Thanks

CURRENT DUE	0.00
+ PENALTY	0.00
+ INTEREST	0.00
+ OTHER FEES	0.00
- PREVIOUS PAYMENTS	0.00
+ BACK TAXES	0.00
= Total Due	0.00

CERTIFICATE OF CLERK OF EXEMPLIFICATION OF RECORD

GEORGIA,,..White..... COUNTY.....ss.

I,.....Clifford Campbell., Clerk of the Superior Court of said County do hereby certify that I have compared the foregoing copy of ..Warranty Deed from A. R. Asbury, Executor of the Will of Francis Logan, deceased to John H. Pitchard et al Trustees recorded in Book E, pages 518 and 519 with the original record thereof, now remaining in this office, and the same is a correct transcript therefrom, and of the whole of such original record, and that said court is a court of record.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, this the ....27... day of ..May..... A. D. 1935.

WHITE COUNTY, GEORGIA

Clifford Campbell

Clerk Superior Court.....White.....County.

State of Georgia

White County

This indenture made and entered into this 11th day of December eighteen hundred and eighty three between R. R. Asbury Executor of the Will of Francis Logan, deceased, late of said State and County of the one part, and John H. Pitchford, Frank L. Densmore, L. R. Allison, J. D. Cooley and Geo. R. Quillian, Trustees, all of this State and County aforesaid of the other part,

Witnesseth, That the said R. R. Asbury, Executor for and in consideration of the sum of ten dollars to him in hand paid the receipt whereof is hereby acknowledged hath bargained, sold and conveyed and doth by these presents bargain, sell and convey unto the said John H. Pitchford, Frank L. Densmore, L. R. Allison, J. D. Cooley and Geo K. Quillian, Trustees and unto their successors in office of trust all that tract or parcel of land situate and being in the town of Cleveland and known by lot No. 3 in the eastern part of said town of Cleveland containing one half acre more or less, the same being identical with lot no. 3 purchased and billed to May F. Logan at a sale of the real estate of John V. Craven deceased, late of said county and state by Wm. F. Sears Executor of said estate and recorded in Book of Sale, page 27 in the Records of said county bounded on the West by lot no. 2 on which the church house of the M E Church South now stands; on the South by lands belonging to Mrs. May Logan; on the easts by other lands belonging to the estate of May F. Logan, deceased; on the North by the street leading from the court house towards Clarkesville to have and to hold said land and premises together with all and singular the appurtenances thereon with every thing in any wise appertaining thereto in trust that said premises shall be held, kept and maintained and disposed of as a place of residence for the use and occupancy of the preachers of the Methodist Episcopal Church, South, who may from time to time be appointed in said place subject to the usage and discipline of said church as from time to time authorized and declared by the

General Conference of said church and by the Annual Conference within whose bounds the said premises are situate. And the said R. R. Asburn for himself, his heirs and assigns, does and will forever warrant and defend the title to said land and premises unto the said John H. Pitchford, Frank L. Densmore, L. R. Allison A. D. Cooley and Geo. K. Quillian, trustees and their successors in office of trust against the cliams of any person or persons whatsoever.

In Testimoney whereof the said R. R. Asbury has hereunto set his hand and affixed his seal, the day and date first above written.

Signed, sealed and delivered in the presence of:

F. L. Densmore

J. P. Osborn
Clerk S. C.

R. R. Asbury (Seal)
Executor F. Logan, Deceased

FILED & RECORDED
DATE: 12/22/2023
TIME: 11:27AM
DEED BOOK: 1915
PAGES: 475-480
PT-61: 154202300308S
FILING FEES: $25.00
TRANSFER TAX: $.00
Dena M Adams, C.S.C.
White County, GA

After Recording, Please Return to:)
David Gibbs, III/ NCLL, P.O. Box 5076)
Largo, FL 33779-5076

GENERAL WARRANTY DEED

STATE OF GEORGIA,

COUNTY OF WHITE

THIS INDENTURE, made and entered into this 20 day of December, 2023, by and between **CLEVELAND UNITED METHODIST CHURCH, INC.**, a Georgia nonprofit corporation, (formerly Trustees of the M.E. Church South, AKA Trustees for the Methodist Episcopal Church South, AKA Trustees of Cleveland United Methodist Church, AKA First Methodist Church of Cleveland), and its predecessors, (hereinafter referred to as the "Grantor"), **CLEVELAND FIRST METHODIST CHURCH, INC.**, a Georgia nonprofit corporation, (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits);

WITNESSETH

THAT THE SAID GRANTOR, acting under and by virtue of the power and authority of the duly elected directors of the Grantor, for and in consideration of One Dollar and no/100th Dollars ($1.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said GRANTEE, its successors and assigns, all of the interest of the Grantor in the real property described in EXHIBIT "A", which is attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only property use, benefit and behoof of the said GRANTEE, their heirs and assigns, forever, in fee simple in as full and ample a manner as the same was held, owned, possessed and enjoyed by the Grantor preceding this deed.

[SIGNATURES ON PAGES TWO (2) AND SIX (6)]

EXHIBIT A

CLEVELAND UNITED METHODIST CHURCH, INC. PARCELS

PARCEL 1. Parsonage.

Being the same parcel, lot or tract conveyed by Deed dated December 11, 1883 and recorded in Book E Page 518 by R.R. Ashbury, Executer of the Will of Francis Logan, deceased, party of the first part, to John H. Pitchford, Frank L. Densmore, I. R. Allison, J.D. Cooley and Gen. R. Quillian, Trustees of the M.E. Church South, all of State of Georgia, White County, party of the second part, to-wit:

> ALL THAT tract or parcel of land situate and being in the Town of Cleveland and known by Lot No. 3 in the eastern part of said Town of Cleveland containing one half acre more or less. The same being identical with Lot No. 3 purchased and billed to May F. Logan at a sale of the real estate of John V. Craven, deceased, late of said county and state by Wm. F. Sears, Executor of said estate and recorded in Book of Sale, page 27 in the Records of said county bounded on the West by Lot No. 2 on which the church house of the M.E. Church South now stands; on the South by lands belonging to Mrs. May Logan; on the east by other lands belonging to the estate of May F. Logan, deceased; on the North by the street leading from the court house towards Clarkesville.

PARCEL 2. Thrift Store.

Being the same parcel, lot or tract conveyed by Deed dated February 3, 1988 and recorded in Book 244 Page 205 by Cleveland United Methodist Church by and through its trustees, Grantor, to Cleveland United Methodist Church, Inc., Grantee, to-wit:

THE TRACT OF LAND HEREBY CONVEYED IS DESCRIBED AS FOLLOWS:

> ALL THAT tract or parcel of land lying and being in Land Lot Number 38 of the 2nd Land District, City of Cleveland, White County, Georgia, and being more particularly described as follows:
>
> BEGINNING at the intersection of the Northerly right-of-way of Underwood Street with the Easterly right-of-way of Quillian Street; thence along and with the Easterly right-of-way of said Quillian Street North 00 degree 32 minutes West 164.94 feet to a point at property of Cleveland Methodist Church; thence along and with said property of Cleveland Methodist Church the following courses and distances:
> South 84 degrees 01 minute East 199.09 feet to a concrete monument;
> South 00 degree 58 minutes West 55 feet to a concrete monument:
> South 89 degrees 05 minutes East 189.89 feet to an iron pin at property now or formerly of Jerry Ward; thence along and with said property now or formerly of Jerry Ward South 00 degree 59 minutes West 99.77 feet to an iron pin on the Northerly right-of-way of

Underwood Street; thence along and with the Northerly right-of-way of said Underwood Street North 87 degrees 58 minutes West 383.94 feet to a point at the intersection of the Northerly right-of-way of said Underwood Street with the Easterly right-of-way of Quillian Street and BEGINNING CORNER, containing 1.14 acres, more or less, all in accordance with Plat of Survey conducted by Eddie Hood, County Surveyor, White County, Georgia, for Robert Kenimer, on December 10, 1985, and recorded in Plat Book 22, Page 198, Office of Clerk of Superior Court. White County, Georgia.

SUBJECT TO ALL EXISTING EASEMENTS FOR PUBLIC UTILITIES.

PARCEL 3.

Being the same parcel, lot or tract conveyed by Deed dated August 10, 1965 and recorded in Book 77 Page 513 by the Board of Trustees of Truett McConnell College, County of White, States of Georgia, party of the first part, to the First Methodist Church of Cleveland, Georgia, County of White, State of Georgia, party of the second part, to-wit:

ALL THAT tract or parcel of land lying and being in the Town of Cleveland, White County, Georgia, known as the Frank Logan old home place in said town, containing 2-1/2 acres, more or less, and described as follows:

BEGINNING on the Street known as Church Street west of this property and the corner of the Methodist Church Property and running south along said street to the corner of the property of Robert Kenimer, thence East along the line of said Robert Kenimer property to the Northeast corner of said property; thence North to the corner of the Methodist Parsonage property; thence along the Methodist Parsonage properly and Methodist Church property to the beginning point.

BEING THE same property described in a deed from R. T. Kenimer, Exr. of Frank Logan to A. H. Henderson, Sr., under date of May 10, 1920, also in a deed from A. H. Henderson, Sr., to R. T. Kenimer, dated January 17, 1924, recorded in deed book "EE", page 503. Also in a deed from R. T. Kenimer to Mrs. Kate Henley dated the 1st day of July, 1926, and recorded in deed book "W", page 223, all of said deeds recorded in the office of the Clerk of the Superior Court of White County, Georgia.

TRUETT MCCONNELL College reserves the right of use by the College of said property until the two new dormitories on the campus of Truett McConnell College shall have been completed.

PARCEL 4. Church.

Being the same parcel, lot or tract conveyed by Deed dated May 19, 1860 and recorded in Book A Page 154 by Andrew Corsey, James M. Dean and Edward P. Williams, Judges of the Inferior Court of White County of the one part, to John L. Richardson, Thomas W. Jarrard, William G. Pitchford, E.P. Williams, S.J. Densmore, J.N. Craven and Wiley A. Warwick, Trustees for the Methodist Episcopal Church South, to-wit:

> ALL THAT tract or parcel of land situate, lying and being in the Town of Cleveland and known by Lot No. One (1), and Lot No. Two (2) in the east part of said Town of Cleveland where the Methodist Church is now built containing one acre, more or less.

IN WITNESS WHEREOF, said Grantor has hereunto set its hand and affixed its seal by its duly authorized representative, the day and year first above written.

DIRECTOR OF: CLEVELAND UNITED METHODIST CHURCH, INC., a Georgia nonprofit corporation:

Signature

CEO

Title

Todd Meeks

Printed Name

Signed, Sealed and delivered this 12th day of Dec, 2023 in the presence of:

Unofficial Witness

Notary Public
State of Georgia
County of _____

My commission expires 10-12-24

DIRECTOR OF: CLEVELAND UNITED METHODIST CHURCH, INC., a Georgia nonprofit corporation:

Arlene Clay

Signature

Secretary

Title

Arlene Clay

Printed Name

Signed, Sealed and delivered this 12th day of Dec, 2023 in the presence of:

Unofficial Witness

Notary Public
State of Georgia
County of _____

My commission expires 10-12-24

CONSENT

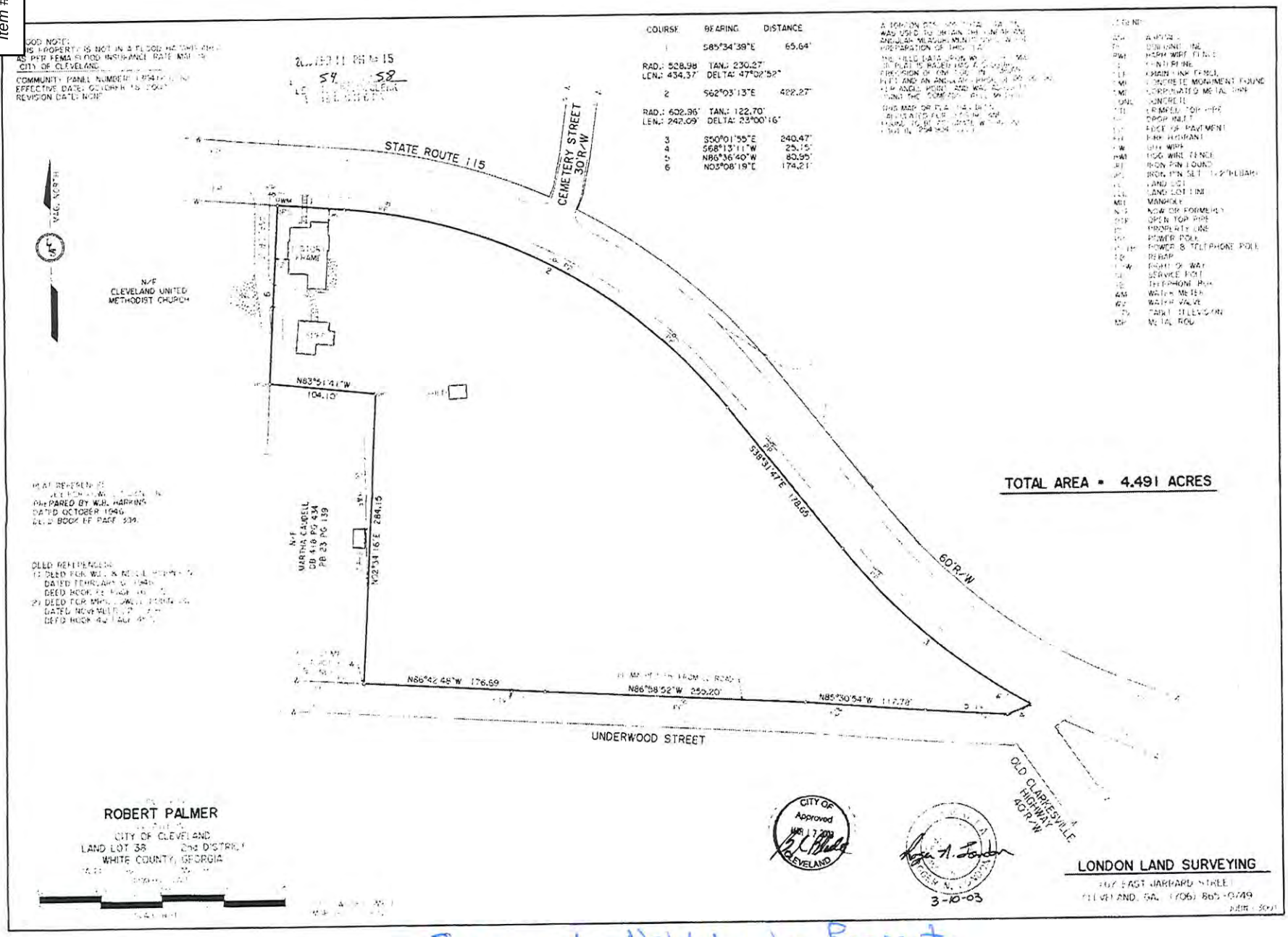
The undersigned, as District Superintendent of the North East District of the North Georgia Conference of The United Methodist Church, hereby certifies, pursuant to Paragraphs 2540, 2541, and 2553 of The Book of Discipline of the United Methodist Church, that the foregoing transfer has been approved by all necessary church authorities and the transfer is made without any ongoing trust clause obligations under the provisions of the *Book of Discipline*.

Unofficial Witness

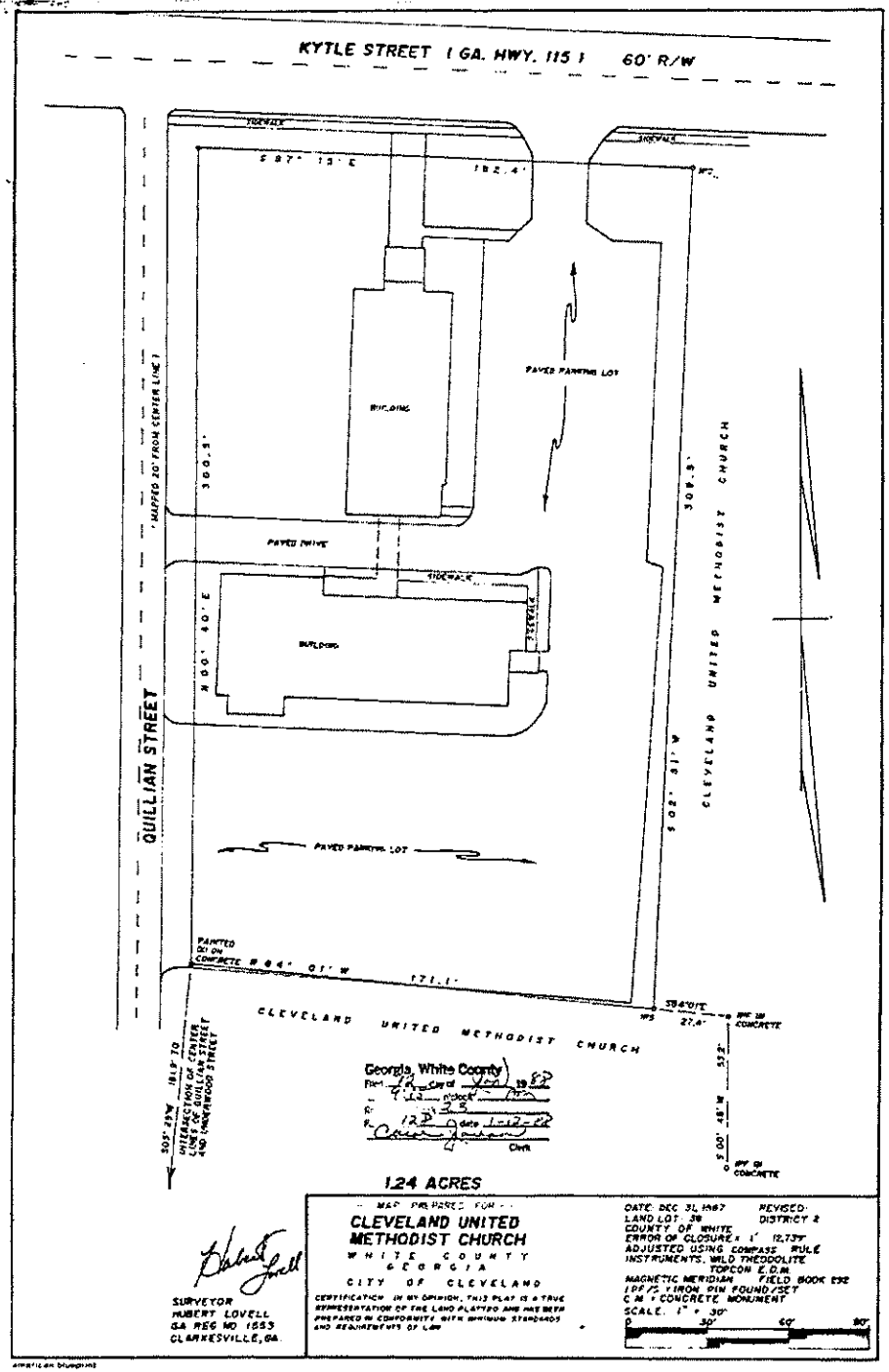
District Superintendent
[District]
North Georgia Conference of
The United Methodist Church

Notary Public





Easement - Neighboring Property


KYTLE STREET (GA. HWY. 115)
60' R/W
QUILLIAN STREET
MAPPED 20' FROM CENTER LINE
SIDEWALK
S 87° 13' E
182.4'
BUILDING
PAVED PARKING LOT
300.3'
PAVED DRIVE
N 00° 40' E
S 02° 31' W
CLEVELAND UNITED METHODIST CHURCH
PAINTED X ON CONCRETE
N 84° 01' W
171.1'
CLEVELAND UNITED METHODIST CHURCH
IRF
IRF ON CONCRETE
27.4'
S 00° 48' W
5.00'
IRF ON CONCRETE
30.5' TO INTERSECTION OF CENTER LINES OF QUILLIAN STREET AND INNERWOOD STREET
Georgia, White County
Filed
Clerk
124 ACRES
MAP PREPARED FOR
CLEVELAND UNITED METHODIST CHURCH
WHITE COUNTY
GEORGIA
CITY OF CLEVELAND
CERTIFICATION: IN MY OPINION, THIS PLAT IS A TRUE REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH MINIMUM STANDARDS AND REQUIREMENTS OF LAW
SURVEYOR
HUBERT LOVELL
GA REG NO 1553
CLARKESVILLE, GA.
DATE: DEC 31, 1987
REVISED:
LAND LOT 38
DISTRICT 2
COUNTY OF WHITE
ERROR OF CLOSURE: 1' 12,739'
ADJUSTED USING COMPASS RULE
INSTRUMENTS: WILD THEODOLITE
TOPCON E.D.M.
MAGNETIC MERIDIAN
FIELD BOOK 232
I.P.F.C. = IRON PIN FOUND /SET
C.M. = CONCRETE MONUMENT
SCALE: 1" = 30'
0 30' 60' 90'

CURRENT SURROUNDING ZONING



Legend

Zone_New		
AG: Agricultural	H-I: Heavy Industrial	R-1: Single-Family Res.
B-1: Central Bus. District	L-I: Light Industrial	R-2: Single-Family Res.
B-2: Highway Comm. Dist	P-I: Public/Institutional	R-3: Single-Family Res.
	PR-D: Planned Res. Development	R-4: Multi-Family Apt Res.

Historic Downtown District

This is more than just a business district, but an area that will promote community activity. The City of Cleveland focuses on the management of downtown. Revitalization activities, community promotions and events, and maintaining the historic character and sense of place are being emphasized in downtown Cleveland. The development of design guidelines for downtown structures and new construction and beautification elements for the pedestrian-oriented streetscape are important goals for the area as are the inclusion of infill development and mixed-use residential uses.





Development Encouraged

- 0/Near lot line development
- Mix of uses; preference for commercial along Main Street/historic downtown
- Minimize surface parking along main road; Preference for public lot
- Parking should be dispersed
- Office, institutional and residential uses acceptable
- Should blend with architectural character of the neighborhoods and historic downtown
- Wood, brick, or stone siding

Implementation Measures

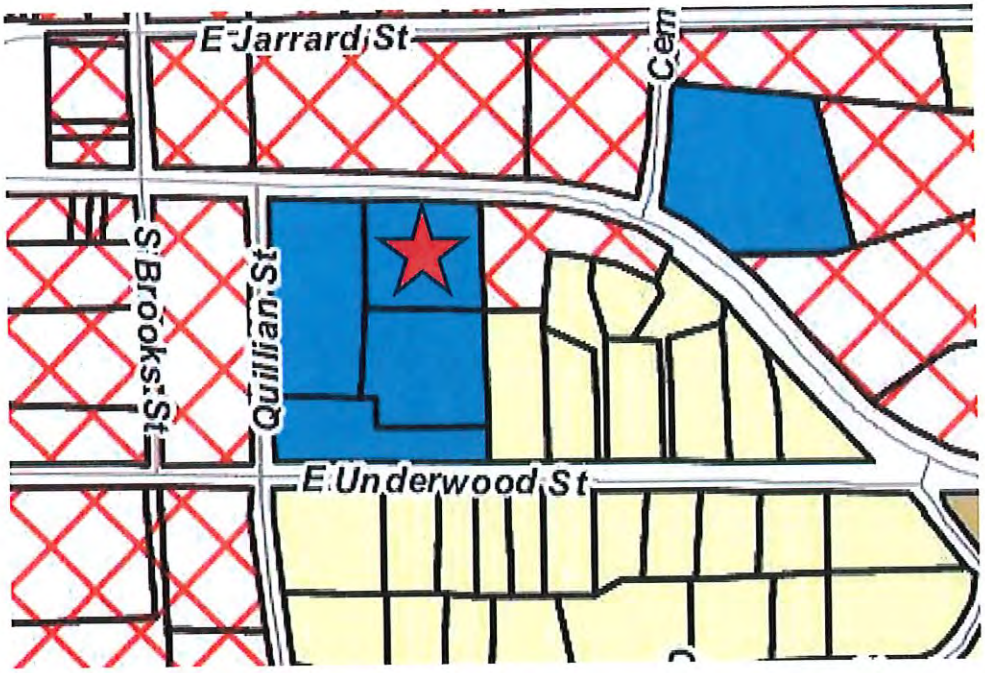
- Support preservation of existing structures
- Conduct forum reviewing/amending development regulations as needed
- Develop design guideline reference material
- Develop *Iconic Images* database
- Develop/implement streetscape plans
- Connect to greenways and parks when possible
- Conduct study assessing opportunities for new park space
- Create development plans for Gateway Corridors



C H	Upgrade/maintain parks and recreation facilities	• Increase park amenities and events as desired. • Develop needs assessment for specific user groups.
C H WC	Several public roads and corridors remain in need of improvement	• Maintain road improvement schedule. • Develop right of way (ROW) access standards with County, City, and State stakeholders to ensure coordination with all partners. • Conduct transportation study to access vehicular movement in city and county.
C H WC	Growing population increasing demand for medical facilities/ emergency transportation	• Upgrade facilities, as necessary. • Continue working with Chamber to market to medical providers.
C H	Demand for cultural spaces within the community	• Increase locations offered in proportion to demand for cultural events require.
C H WC	Community Beautification	• Maintain landscaping as necessary. • Develop nuisance ordinance.
C H WC	Improve signage and wayfinding	• Develop Streetscape Plan and maintain gateway/welcome signs as well as directional signage to area destinations. • Assess parking strategy for area destinations and development.
C WC	Improve Library services and facilities.	• Use grants and SPLOST funding to build new facility. • Continue to support e-book and computer offerings.
C	City Municipal Facilities	• Identify development needs for facilities including City Hall, Council Meeting Room, Community Room, Police, City Park, and walking trail.
Housing		
C H WC	Promotion of housing choices that enrich and promote an affordable community	• Develop proposals for independent living facilities and retirement and elderly housing as needed. • Develop sidewalk maintenance and expansion plan. • Improve emergency service access in proportion to development. • Promotion of accessory dwelling units (ADU's) that follow city design standards.
C	2.) Residential neighborhoods losing character through improper and substandard development	• Develop design guidelines for compatible infill and new construction development to protect the community's identity, sense of place and character defining features. • Enforce minimum building lot requirements.
C	3.) Concern over blighted and substandard properties	• Review property maintenance codes and enforcement policies; Amend as needed.
C H	4.) Need to balance demand for housing with small-town and rural	• Develop design standards and guidelines for lot size, connectivity, size and mass, building setback to reflect

WC	character.	city character in town for infill development, in scenic areas, rural areas, etc. • Identify what Cleveland's sense of place is to ensure housing built reflects Cleveland's small town character. • Conduct forum reviewing zoning and development regulations including density and lot size requirements. • Develop and enforce Planned Unit Development (PUD) design requirements as needed when large areas of development are proposed. • Update Rural Workforce Housing Study as needed.
C **WC**	Zoning challenges as residential properties are converted to commercial properties or encroach on residential areas.	• Amend land use policy as needed. • Enforce and amend zoning policy as needed. • Maintain STR subdivision map.
WC	Homeless/ transitional housing	• Develop plan for appropriate housing options to assist those in need.
	Land Use	
C **H** **WC**	Concern overgrowth altering area's character, diluting scenic beauty, threatening tourism, and historic resources	• Conduct forum reviewing zoning and development regulations. • Review sign regulations and property maintenance codes; Amend as needed. • Assess performance of mountain protection regulations. • Amend/review development guidelines/regulations as needed. • Review of stormwater practices to address flash flooding mitigation and promote the use of best practices to address this such as permeable surfaces, properly sized drainage pipes, etc.
C **H** **WC**	Improve wayfinding (for parking, shopping, area tourist destinations, government)	• Implement new streetscape strategy from Urban Redevelopment Plan (URP).
C **H** **WC**	Demand for more greenspace and outdoor recreational areas	• Develop the greenway initiatives in desired areas. • Identify/pursue land for urban park/partnership with proposed developments such as Yonah Preserve. • Develop walking trails for greater connectivity to region. • Develop running track at Yonah Preserve.
C	Highway 129 corridor unattractive, lacks cohesion; lack of proper gateway into Cleveland	• Implement new streetscape strategy • Design guidelines needed for compatible infill development • Conduct forum reviewing zoning and development regulations
WC	Helen Highway corridor unattractive, lacks cohesion, lack of continuity between Cleveland and Helen.	• Amend design guidelines to encourage tourism friendly development.

COMPREHENSIVE PLAN FUTURE LAND USE



Future Land Use

- Residential - Single Family
- Multi-Family Residential
- Residential Historic
- Planned Unit Development - Comm/Res
- Commercial - Central Business District
- Highway Commercial
- Public/Institutional
- Industrial
- Agricultural - Green Space

Mayor
Josh Turner

Council Members
Nan Bowen
Annie Sutton
Jeremy McClure
CJ McDonald



CLEVELAND, GEORGIA
85 South Main St., Cleveland, GA
30528
706-865-2017
www.cityofclevelandga.org

City Administrator
Kevin Harris

City Clerk
Lisa A Ritchie

DATE: May 14, 2026

TO: City of Cleveland Planning and Zoning Commission Members

FROM: Tom O'Bryant, Director of Planning and Economic Development

RE: Staff review and recommendation

This application is from **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.**

Any site improvements shall include stormwater retention measures to prevent all downstream storm impacts.

Fire and Life Safety requirements and building codes must be followed for all improvements.

Applicant will work with city staff to implement buffering, as required by code or condition.

Staff recommends approval of the requested re-zoning of the tract from P-I, Public Institutional District, to the R-1, Single Family Residential District.

City of Cleveland

Cleveland Planning and Zoning Board

Thursday, May 28, 2026 at 6:00 p.m.
Oak Springs Community Center – Police Department – 342 Campbell St, Cleveland Georgia

1.	**Welcome and Announcements**
2.	**Consider a request from Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.**
3.	**Adjourn**

City of Cleveland

Cleveland Planning and Zoning Board – Meeting Minutes

Thursday, May 28, 2026 at 6:00 p.m.
Oak Springs Community Center – Police Department – 342 Campbell St, Cleveland Georgia

1. **Welcome and Announcements** – Nadine Wardenga welcomed those attending the meeting.

2. Nadine Wardenga introduced the agenda item for the meeting. **Consider a request from Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.**

Nadine asked Tom O'Bryant to review the application. Mr. O'Bryant initially described the church property as having four tracts, one of which is the 0.84 acre tract that contains the parsonage on the property, and is the tract that is requested to be rezoned. He stated that over the past few years the property has mainly been vacant as the church has been between pastors utilizing the parsonage or a pastor resides in a home they personally own in the community. Mr. O'Bryant told the board the neighbors informed the city that the church was currently renting the parsonage out to interns that work at Freudenberg NOK. Upon learning of this activity and researching the zoning, he contacted the church to inform them that the current zoning P-I, Public-Institutional District, does not allow for the rental of the property for residential purposes outside of the operations associated with the church. He met with members of the church board of trustees to discuss the city zoning ordinance and district requirements. The church determined that it would pursue a request to rezone the property to R-1, Single Family District, which would allow for the residential structure to be rented out, and subsequently submitted an application requesting the rezoning of the parsonage property to R-1, Single Family District. He noted that a large percentage of the single-family homes within the city are rented out to residences in a variety of settings - families, students, individuals, etc.

Mr. O'Bryant discussed the city's comprehensive plan, policies and land use. The future land identifies the general area as institution uses and single family residential. He said two properties adjacent to the parsonage tract were identified as low density residential (including single family housing) and that the newer housing along East Underwood Street was part of the same land use. He stated the rezoning would be consistent and compatible with the existing and future land use in the comprehensive plan. He noted that the property to the rear is currently a single-family home that is rented. The policies within the plan for the downtown district and historic areas are compatible with allowing single family homes. The property is already connected to city utilities, so there are no issues of concern that would impact a rezoning. He described the property contains driveway access from East Underwood Street to the house, but the driveway also serves the neighboring residential property via an easement granted in 2019 for access to East Underwood Street. Mr. O'Bryant stated that since this property is compatible with the surrounding land uses, there is consistency within the comprehensive plan, and there are no additional impacts on city utilities and services, the staff recommends the rezoning request to rezone the property from the P-I District to the R-1 District be approved with conditions. Such conditions related to stormwater requirements if site improvements are made, meeting all fire and life safety, and building codes – particularly those related to the renting of residential property, and also, if needed, to implement buffers to minimize any impact on neighboring properties. Aaron Greene asked what the minimum lot square footage was for the R-1 District? Mr. O'Bryant responded that it is 15,000 square feet (0.34 ac), so this property size is well over what is required in the R-1 District.

Ms. Wardenga asked the applicant to present its request. Mr. Roy Clay, lay leader at CFMC, spoke on behalf of the church board of trustees to request the property to be rezoned from P-I to R-1. He stated there were three factors that led to the church's decision to lease the property. First is the issue of vacancy. He said the parsonage sat vacant from 2020 until 2024. In 2024 the parsonage was utilized for about 10 months, but that pastor resigned and returned to Texas. The parsonage was vacant again. In January 2025, the church hired the current pastor, Brian Alexander, who is a long-term resident of White County and currently owns his home locally. Thus, he has no need for the parsonage. The church was once again faced with a long-term vacancy of the parsonage. The second factor the church considered was stewardship. The church board of trustees believes they have the responsibility to manage their property and finances to benefit their church family, the larger community and future generations. The third precedent was the multi-purpose use of the church property (all four tracts). The church dates back to 1857, it has been used for multiple things over the years. In addition to serving as a place of worship, it has been used to house a full-time kindergarten, youth center, educational facility, a student dormitory, and a thrift shop. So, in 2025, the board of trustees began to discuss how they could utilize the parsonage property believing that it will be vacant for a few more years. They did not want to become a landlord in the typical sense of that word. They wanted to make use of the property and also allow it to benefit the community. They initially contacted Truett McConnell University asking if they had need for housing for faculty or visiting professors. The university did not have a need. The church then learned of the need of Freudenburg NOK for their internship program. The church negotiated a lease with the company for one year for purpose of allowing the interns to use the property for residential living. The church retain control over the property while FNOK provided the internal furnishings and vetted all the potential residence utilizing the property. The church did not realize their use of the property for FNOK would conflict with the zoning. The church views the housing of the FNOK interns as an outreach to the community. While the church does receive a revenue stream for their expenses for maintaining the property, the lease allows FNOK to have a stable, safe environment for their young interns serving in their training program. The church understands that in spite of all the previous historical uses of their property rules, regulations and polices change. So, they are now requesting to move from the P-I District to R-1 District to follow updated city requirements. They church has no intention of renting the property directly to the public. It will always be utilized as something like this – to benefit an internship program or possibly Truett McConnell University or something beneficial to the community.

Mr. Wardenga then asked for public comment. She first asked if there was anyone who would like to speak in opposition to the application request. Mr. Brian Young (and Patti Young), 176 East Kytle Street, Cleveland, are the neighboring property to the church. Mr. Young stated that they became aware of the parsonage being utilized by the current tenants when they were moving in last August. This property was a parsonage and is now being utilized as a rental property. His property shares the driveway access, via the easement granted by the church to be used at any given time and now they have to share this access with the three to four interns including parking. He stated parking should be available for everyone who lives there, but with four individuals who are not related, all who have vehicles, there is not ample parking for all the vehicles that use the access. Therefore, access in and out of their property is almost impossible. The main reason he is at this hearing is because he is a taxpayer paying property taxes. The parsonage being used as a R-1 use to rent, they are not paying property taxes. He has made the church aware of this since last August. They were told last December that more residents will be moving in. We have addressed this issue with the city and since then, in March, a few weeks earlier, additional residents have moved in. He feels they should be paying property taxes. In addition, the income received on the lease should be taxed as well, and the church has not been paying taxes on that income. He said multiple rotating tenants at the property will have an impact on their property if they would want to sell it. He stated that the tenants have been instructed to not interact with them and to also access the property from the other side, but not from their side or the front. He said the church having renters at the location will devalue their property, particularly with tenants changing out on a rotating basis. He feels like this is violating the code and the property is being used as a boarding house. He said with multiple tenants moving in and out every few months is a boarding house, not a single-family residence. He feels this is a violation of the code or should at least require some type of special use permit. He also said the church kept the landscaping nice when a pastor was present, but they have not done such since the interns have moved in, and the tenants are not taking care of landscaping or improvements either. He said his primary concern as a neighboring property owner is he does not want renters rotating in and out every few months. He said if he placed his home on the real estate market, he would not be able to tell prospective buyers who lives next door. He said their cars are also coming and going all hours of the night. He said one instance was when he was taking his trash out at 11 o'clock at night (about a month or two ago) and there were cars pulling in and the driver said he was there to attend a birthday party. He said tha

not against the church and their relationship has been good except when the FNOK interns showed up. They've been introduced to the pastors, and it was great. However, they were not told anything about the FNOK interns moving in. He said since that time there has been almost no care taken to maintain the home and it often looks like it is vacant. He said as a property owner who shares the driveway with this home, it is a major concern because if they decide to place their home on the market the rental situation will devalue their home. He said the home is not being kept in the same condition as it had been when pastors were living there. Patti Young stated she believes she read in the city ordinance that a conditional use permit to have tenants in and out of the property, tenants not related, no more than two unrelated people, such conditional use permit is required. Ms. Wardenga asked if she was referring to the city ordinance? Ms. Young said yes and provided a handout to the board on their concerns and what they believe are points of consideration. She said the ordinance considers the use a boarding house and it requires a special use permit or conditional use permit to be voted on by the city council. Brian Young stated that once the issue of FNOK renting made its way to social media and to news outlets it became apparent the church, which is one of the most recognized landmarks in town, who was having an issue with CFMC and the parsonage, and he has received support as he works outside maintaining his property. Ms. Wardenga told him he has a lovely property. Mr. Young said that is why he is at this hearing is to keep his house attractive and maintain its value where it currently is. He said the rotating tenant, regardless of how well vetted they are, is going to devalue their property, and the property is not being maintained. Ms. Young stated that when they purchased their property the parsonage existed, and they assumed it would always be a parsonage. She also said the other neighboring property that is currently being rented has always had families in it, not multiple tenants, and they have maintained that property very well over the years. Brian Young said they would not have a problem if a single family was moving into the parsonage, but the multiple, rotating interns, it is proven that they do not maintain the property the way a single family would or a permanent resident, if they were living there. Mr. Roy Clay stated that church is responsible for maintaining the property, not the tenants, and that has always been the case. He said he would be glad to walk the property with the Youngs to find out what they think is not being maintained. Mr. Young said this issue is more than flowers. If it continues to be utilized as a tenant based rental property over time the use will wear down the property and devalue their property. He has nothing against the church. He believes it should continue solely as a parsonage use.

Ms. Wardenga asked for anyone supporting the application. Ms. Wardenga asked for final comment from the church. Mr. Clay responded the use is for an internship program, the lease is with FNOK, not the interns, and the church is completely responsible for the maintenance for upkeep of the property. Mr. Young pointed out that it was fine, but also, they have an easement to share the driveway, and it has limited space at the top, making it challenging to park cars and move in and out of the property. Mr. Clay responded that the driveway belongs to the church and they gave an easement to the previous property owner for ingress and egress. Aaron Greene asked if there was enough space in the easement to allow for additional parking? Todd Marks, church board trustee, said the church has within its agreement a code of conduct in place that each and everyone one of the interns signs prior to arrival. The code of conduct states there is no smoking on the property, no drinking, there are no parties, there are no more than two cars, at any time, parked in the driveway. The interns utilize the church parking lot and access the home from the church parking (when there is more than two cars using the home). Aaron Greene asked if there was a garage. Mr. Marks said yes, there is a two-car garage that can be utilized. Mr. Greene asked if four vehicles can be on that side of the building (two in the garage and two parked outside). Mr. Marks said yes, they could do four, but we have never had four people living there. He said there have never been more than three interns being housed at the location even though it is a four-bedroom house. If there was a potential fourth person, then they would be a visitor there to spend the night or weekend, but not a tenant. He further stated that when it was reported that a birthday party was held at the location the church contacted FNOK immediately. FNOK stated that on that particular night there was only one of the interns staying at the house and that no party was held on the location. He said his point was that the church immediately made an attempt to contact FNOK and stop any potential violation of the code of conduct that is in place. He again, reiterated that the church's intent is not to become a landlord for the general public, but to provide to a program for FNOK, to house visiting engineers or to interns. They don't want to rent it to just anybody. Aaron Greene suggested that if the Youngs were concerned about landscaping, they could possibly help landscape the church property. The church said they maintain the landscaping and can further address it. Brian Young stated that parking continues to be a problem. There have been two vehicles, one parks in the garage, the other vehicle backs in making it difficult to move around. The Young also said the trash containers were placed on their side of the easement making it difficult to get out of the driveway, and sometime the interns park where they keep their trash cans. Brian also stated the communication from the church was not adequate and any response to their concerns v

never recognized or addressed. Mr. Clay said they already had a lease in place when the Youngs came to them with their concerns, but they listened to their concerns, and the circumstances have led them to seek a rezoning. He further stated if the City Council says no to the rezoning request, then they will cancel their lease with FNOK. Patti Young asked if the situation was reversed how much grace the Planning and Zoning Board would show to them? Ms. Wardenga responded that the Planning and Zoning Board is not the City Council, who is the appropriate board to address that issue. She further stated the Planning and Zoning Board only addresses the applications and issues placed before them, and that they only make recommendations to the City Council. All decisions are made only by the City Council. Valerie Mateen asked how the Youngs would feel if a pastor moved into the parsonage with several children that had vehicles that caused parking problems. Mr. Young felt that would be a civil matter. Patti Young pointed out that at one time there was a pastor there with two children and four vehicles and they were able to work it out and were very accommodating. Alan Boggs asked if this issue was more about communication and accountability to try to resolve issues. Mr. Young said they were never given the opportunity to discuss their concerns, and they were never told that FNOK would be leasing the property for housing interns. He said there were communications in the past. He stated emails were shared to discuss the issue, but a meeting date could never be established. He said his point is that it was never presented to them prior to the interns moving in. Valerie Mateen stated she was aware that FNOK works three shifts and asked if the interns could possibly be working the night shifts causing them to come and go at late hours. Todd Marks said it was his understanding that they work the day shift, but he could not confirm if they sometimes work the night shifts, it is possible.

Ms. Wardenga closed the discussion. She thanked everyone for their participation. She stated that the result of the hearing will serve as a recommendation to the City Council. She asked if any members of the Planning and Zoning Board attended church at CFMC. Alan Boggs stated he attends church at CFMC and he was recusing himself from voting on this application. Ms. Wardenga asked the board for a motion on the application for rezoning. Aaron Greene made a motion to recommend approval with conditions – there be a point of contact for communications within the church to address the concerns expressed by the Youngs. Motion was seconded by Terry Goodger. Mr. Greene further discussed how he felt the church renting to FNOK for interns was much better than just renting to anyone in the public. He further stated he works in real estate and he has witnessed some very difficult situations regarding renters. Ms. Wardenga asked if there needed to be a condition that addressed clear identification of the parking areas within the easement? Also, if waste cans are a problem, designate those areas as well? Valerie Mateen stated that she would like to see a condition addressing the landscaping. Mr. Greene also stated he would like the easement lines to be clearly marked for both parties. Ms. Wardenga closed the discussion and asked Mr. Greene if he would like to restate his motion with the conditions identified. He said yes and Mr. O'Bryant listed the conditions for him state in his motion – To approve the rezoning request with the conditions of: 1) a communication contact be appointed by the church; 2) parking areas be identified and designated within the easement; 3) waste container areas be designated within the easement; 4) landscaping provided by the church; and 5) the easement and property lines be clearly marked. Terry Goodger seconded the restated motion. The vote for the motion was unanimous. Alan Boggs recused himself and did not vote.

Ms. Wardenga told MR. Clay the Zoning Boards vote is a recommendation to City Council. The church will need to attend the city council hearing on the request at their June 15, 2026 city council meeting. There was no other business for the board.

3. **Adjourn** - Motion by Terry Goodger to adjourn, seconded by Michelle Ash. The vote of the motion was unanimous.

Points of Consideration & Concern

Within the **City of Cleveland's R-1 zoning district, an R-1 property is intended primarily for low-density *single-family residential use***. The city's zoning ordinance specifically allows:

- Single-family homes
- Certain accessory uses
- Churches, schools, parks, and similar community uses
- Some conditional uses with city approval
- Short-term/vacation rentals if they comply with the city's STR ordinance

For long-term rentals specifically:

- A house in R-1 can generally be rented out as a single-family residence as long as it remains a single-family dwelling and complies with occupancy, *parking*, building, and nuisance rules.
- R-1 does ***not*** typically permit:
  - Multifamily apartments
  - *Boarding houses* – Not in current city ordinance; in old ordinance from 1970
  - *Rooming houses*
  - Multi-unit conversions – Not in ordinance
  - *Multiple unrelated renters operating like separate units unless the property is rezoned, granted a conditional use permit, or otherwise approved by the city.*

Cleveland's updated ordinance adopted in 2024 states that other uses in R-1 *require a conditional use (CU) approval*, including:

- Accessory apartments – Defined and allowed, approval by city council
- Guest houses – Defined and allowed, approval by city council
- Certain daycare uses
- Religious institutions
- Bed & breakfast / vacation rental operations

In summary, for R-1 in Cleveland:

- **Allowed by R-1:** renting a normal single-family home to one household.
- **Potential violation of R-1**: *using an R-1 home as a multi-tenant rental, boarding house, or de facto apartment setup with separate unrelated occupants/leases.*
- **Possible exception of R-1:** if the owner obtained a conditional use permit, variance, or rezoning from the city.

Cleveland ordinances clearly establish that:

- *R-1 is intended for single-family residential use*.
- *Uses resembling a boarding house, rooming house, or multi-tenant arrangement can violate the zoning intent if the home is no longer functioning as a single household.* Old city zoning; not valid

Cleveland appears to regulate R-1 via:

- The definition of "single-family dwelling"
- Density/use classifications,
- Parking,
- *Whether the property operates like a rooming house or multifamily dwelling*, rather than through an easily searchable numeric occupancy limit published online. - No occupancy requirement in ordinance

Points to consider:

- A single-family home rented to one family or household is generally allowed in R-1.
- *A home rented room-by-room to multiple unrelated adults under separate arrangements would be considered a prohibited boarding/rooming or multifamily use*. Old City ordinance; not applicable

Item # 3.

550

Fwd: Parsonage

From: Brian Young (rbrianyoung@yahoo.com)

To: ardentrunner@yahoo.com

Date: Thursday, March 26, 2026 at 04:45 PM EDT

Sent from my iPhone

Begin forwarded message:

From: Cleveland First Methodist Church <office@clevelandmethodist.church>
Date: December 17, 2025 at 4:25:08 PM EST
To: Brian Young <rbrianyoung@yahoo.com>
Cc: Todd Marks <tmarks@nortoninsurance.com>, Russ Smith <rrussellsmithjr@gmail.com>, Roy Clay <raclay@windstream.net>
Subject: Parsonage

Hi Brian!

Just wanted to let you know that the last of your neighbors in the parsonage will be departing by December 20th. It is NOK's intent to have the parsonage cleaned and ready for a new group of engineering interns beginning/after January 5th. They have assured us that they will be given the same instructions as the ladies to alleviate the parking issues.

As we have stated before, we want to be good neighbors and not inconvenience you in any way. Although we do not anticipate any issues in the future, please let us know if any occur so we can get them resolved as quickly as possible.

We wish you and your wife a very Merry Christmas and a Happy New Year.

Blessings!
Arlene Clay
CFMC Trustee Chair
(706) 892-7210

Re: Parsonage

From: Brian Young (rbrianyoung@yahoo.com)

To: office@clevelandmethodist.church

Cc: tmarks@nortoninsurance.com

Date: Friday, September 19, 2025 at 09:47 AM EDT

No Response Received

Good morning.

To follow up, how long will the current residents be leasing the parsonage? And, I believe you stated another was moving in this fall, just to confirm.

Also, is the intent for there to be additional residents leasing the property after the current ones are gone?

Sent from my iPhone

> On Aug 26, 2025, at 3:01 PM, Cleveland First Methodist Church <office@clevelandmethodist.church> wrote:
>
> Unfortunately, the appropriate church board members will be on vacation all that week (tagging onto the holiday). We are very flexible for this Thursday (28th) or Sunday (7th) if that has any possibility for you.
>
> Thanks,
> Arlene
>
> ---
>
> **From:** Brian Young <rbrianyoung@yahoo.com>
> **Sent:** Tuesday, August 26, 2025 2:46 PM
> **To:** Cleveland First Methodist Church <office@clevelandmethodist.church>
> **Cc:** Todd Marks <tmarks@nortoninsurance.com>
> **Subject:** Re: Parsonage
>
> Would 9/2 or 9/3, late afternoon, work?
>
> Sent from my iPhone

On Aug 26, 2025, at 11:02 AM, Cleveland First Methodist Church <office@clevelandmethodist.church> wrote:

Hi Brian and Patti:

Thanks for your response. Unfortunately, with the holiday weekend and week ahead, this Sunday will not work for those involved. Is there any chance you could meet with us Thursday, 8/28 (daytime or evening)? If that doesn't work with your schedule, would you be available the following Sunday (9/7)?

In the meantime, we have communicated to the tenants that they must be respectful of both the church property and our neighbors, and they are in total agreement. We appreciate your patience and willingness to resolve this issue.

Thank you,
Arlene

From: Brian Young <rbrianyoung@yahoo.com>
Sent: Monday, August 25, 2025 6:38 PM
To: Cleveland First Methodist Church <office@clevelandmethodist.church>
Cc: Todd Marks <tmarks@nortoninsurance.com>
Subject: Re: Parsonage

Good afternoon.

This week is a challenging week in regards to our schedules being in sync so would there be a possibility to meet after Sunday service?

Sent from my iPhone

On Aug 25, 2025, at 11:23 AM, Cleveland First Methodist Church <office@clevelandmethodist.church> wrote:

Dear Brian and Patti:

We certainly can appreciate your concerns and want to resolve this issue to your satisfaction . For the purpose of clarity, we would like to meet with you to discuss at your earliest convenience. Please let me know what works for you.

Thanks!

Item # 3.

Arlene

From: Brian Young <rbrianyoung@yahoo.com>
Sent: Sunday, August 24, 2025 5:45 PM
To: Cleveland First Methodist Church <office@clevelandmethodist.church>
Cc: Todd Marks <tmarks@nortoninsurance.com>
Subject: Re: Parsonage

Thank you for your prompt response and we appreciate CFMC reaching out to NOK-Freudenberg regarding parking.

However, the primary concern of individuals taking up residence there for various time frames – meaning that we never actually know who is living there coupled with that fact that their guests have been coming and going at all hours of the day or night, is not appropriate nor respectful to another home – our home and our family, within such close proximity.

Another way of approaching this is if the parsonage was actually being utilized as a parsonage and we decided to utilize our home as a vacation property or short-term rental. So, on any given day or week or time of day, there would be unknown occupants coming and going from our property. The uncertainty of not having any knowledge of who should or should be at our home on any given day or time certainly wouldn't be favored by CFMC or those residing at the parsonage.

In addition, when another pastor and family has moved into the parsonage, CFMC has gone out of its way to inform us who is moving in, given insight into the family and background and provided a timeframe for moving in. I think its both a matter of respect for us which we greatly appreciated given the proximity of our home to the parsonage, as well as CFMC wanting us to be great neighbors to those moving in – which we always have been. In this case, there was no outreach made, or attempted, and random vehicles and people started coming and going.

That said, it is our understanding that the parsonage is Zoned E-2, or as a church property. If a property is zoned for church/religious use, that allows for church institutional or special use, but not residential use.

A rental house (whether long-term or short-term and designated as such by an agreed upon contract or lease) is deemed residential use - which requires the property to be zoned R-1, R-2, etc. (as a residential usage property).

In short, a church-zoned property cannot automatically be used as a rental/leased property for residential use, (R-1, R-2, etc.).

To legally operate a short-term or long-term rental/residential house inside the Cleveland city limits, the following is required.

- A review of the Cleveland Zoning Ordinance to confirm if the property's zoning designation permits short-term rentals (which would also require a Conditional Use Permit).
- If rezoning is needed, (to R-1 or R-2 from current status of E-2 Church), it is required that an application for rezoning or conditional use is made through the Cleveland Planning & Zoning

Board and City Council. This process involves two public hearings along with supporting documentation detailing all facets of intended use of the property and need for rezoning.

- If approval is received, the next steps would be to follow any additional permit or licensing requirements laid out by the city.

Specifically, to legally use a church-zoned parcel as a rental house in White County, the following would need to be done:

- Apply for rezoning to a residential district (e.g., R-1 or R-2), *or* request a Conditional Use Permit if the zoning ordinance allows residential as a conditional use of that district
- Then, go through the White County Planning Commission and then the Board of Commissioners for public hearings and approval.
- If approved, bring the property into compliance with any building codes for residential occupancy (church properties – E-2 buildings don't always meet residential requirements without modification).

Also, White County has a short-term rental ordinance. Even if the zoning is changed to residential, the following would still be needed:

- A STR license from the county,
- Compliance with occupancy guidelines, satisfactory parking availability based on expected residents, and other safety regulations,
- And, payment of hotel/motel taxes.

In short, a church-zoned property in Cleveland/White County can't be leased as a residential property – and a lease has been stated to exist here. The process of rezoning the property would need to be initiated – and approved, as well as a Conditional Use Permit obtained.

On Sunday, August 24, 2025 at 09:33:02 AM EDT, Cleveland First Methodist Church <office@clevelandmethodist.church> wrote:

Dear Brian and Patti:

We are so truly sorry this situation has presented itself and understand your concern. The appropriate people have been notified, and we are working on a solution.

As a little background, Cleveland First Methodist Church entered into a year-long lease with NOK-Freudenberg effective August 1st. They are using the parsonage to house well-vetted interns for their Engineering Intern program. There are currently three young ladies staying until December (with a possibility of a fourth for a week or two). As part of the lease agreement, NOK understood that that it is CFMC's intent to be good neighbors and that the parking situation could be an issue. We feel this can be easily remedied by having the interns park in either the garage or the church parking lot (or both). I will be coordinating this with the NOK contact today and will advise.

Thank you for bringing this to our attention. As I said, it is our intention to be good neighbors, and we certainly can appreciate your concern. I will get back with you to confirm resolution.

Blessings,
Arlene Clay
CFMC Trustee Chair
(706) 892-7210

From: Brian Young <rbrianyoung@yahoo.com>
Sent: Saturday, August 23, 2025 1:35 PM
To: Cleveland First Methodist Church <office@clevelandmethodist.church>
Subject: Parsonage

This is Brian and Patti, the neighbors that share the driveway with the parsonage.

Over the last month, there have been numerous different apparent residents of the home once deemed for the pastor of the church. It would appear that the parsonage is now serving as a co-ed dorm.

Of late, there have been countless different cars parked in the driveway, often creating a situation where it is challenging or even not possible to get our cars out of the driveway.

Also, there are cars coming and going late at night. This is of concern to us because we don't know who actually lives there and we are awaken late at night - even after midnight, by headlights of cars coming and going from the house.

Given the driveway is shared and parking limited, it would be appropriate to let us know who is actually living there so; one, we can feel safe at our home when people are coming and going at all times of night and, two, we can also make sure the parsonage is secure because we do not know who is actually supposed to be there.

Finally, given ample parking is available at the church, it would be considerate if guests of the parsonage could utilize the parking there. We have asked guest at our home to park at the bank if there is any thought that their cars may interfere with someone at the parsonage coming and going. Also, given there is a garage, it would also seem those living currently at the parsonage could park there to free up space in the driveway.
This is from Saturday afternoon.
<image0.jpeg>

<image2.jpeg>

Date: March 12th, 2026

To: The City of Cleveland

References county zoning, not city zoning

From: Brian & Patti Young
176 E Kytle St
Cleveland, GA – 30528
706-809-9796

Re: Usage of the Parsonage by First Methodist Church of Cleveland

Please let this document serve as notice of a zoning and usage complaint being filed against the properties located at 112 E Kytle St, Cleveland, GA, (First Methodist Church) & 152 E Kytle Street, Cleveland GA, (First Methodist Church Parsonage).

Since July 2025, the parsonage has been utilized as a rental home for 3-4 individual residents, (non-family), with the property essentially serving as a dormitory. In reaching out to church directly about the parsonage's usage, it was confirmed by the church, (via email), that the residents there were occupying the home under a signed lease agreement.

With that, we reached back out to the church in August of 2025 with the following, (via email).

"It is our understanding that the parsonage is Zoned E-2, or as a church property. If a property is zoned for church/religious use, that allows for church institutional or special use, but not residential use.

A rental house (whether long-term or short-term and designated as such by an agreed upon contract or lease) is deemed residential use - which requires the property to be zoned R-1, R-2, etc. (as a residential usage property).

In short, a church-zoned property cannot automatically be used as a rental/leased property for residential use, (R-1, R-2, etc.).

To legally operate a short-term or long-term rental/residential house inside the Cleveland city limits, the following is required.

- *A review of the Cleveland Zoning Ordinance to confirm if the property's zoning designation permits short-term rentals (which would also require a Conditional Use Permit).*
- *If rezoning is needed, (to R-1 or R-2 from current status of E-2 Church), it is required that an application for rezoning or conditional use is made through the Cleveland Planning & Zoning Board and City Council. This process involves two public hearings along with supporting documentation detailing all facets of intended use of the property and need for rezoning.*

- *If approval is received, the next steps would be to follow any additional permit or licensing requirements laid out by the city.*

Specifically, to legally use a church-zoned parcel as a rental house in White County, the following would need to be done:

- *Apply for rezoning to a residential district (e.g., R-1 or R-2), or request a Conditional Use Permit if the zoning ordinance allows residential as a conditional use of that district*
- *Then, go through the White County Planning Commission ond then the Board of Commissioners for public hearings and approval.*
- *If approved, bring the property into compliance with any building codes for residential occupancy (church properties – E-2 buildings don't always meet residential requirements without modification).*

Also, White County has a short-term rental ordinance. Even if the zoning is changed to residential, the following would still be needed:

- *A STR license from the county,*
- *Compliance with occupancy guidelines, satisfactory parking availability based on expected residents, and other safety regulations,*
- *And, payment of hotel/motel taxes.*

In short, a church-zoned property in Cleveland/White County can't be leased as a residential property – and a lease has been stated to exist here. The process of rezoning the property would need to be initiated – and approved, as well as a Conditional Use Permit obtained."

The response provided stated essentially that the church would continue to lease the parsonage indefinitely. It was also stated by the church that the residents of the parsonage were interns at NOK in Cleveland.

Thank you and please let us know if you have any questions.

Brian & Patti Young

CITY OF CLEVELAND
FINANCIAL INTERESTS DISCLOSURE FORM
FOR
LOCAL GOVERNMENT OFFICIAL

APPLICATION NUMBER: 2056 DATE: May 7, 2026

APPLICANT: Cleveland First Methodist Church, Inc

LOCATION: 152 East Kytle Street

TYPE OF REQUEST: **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental..**

The proposed use of this property is for commercial and residential use.

I, TERRY GOODGE, **Planning and Zoning Commission member of the City of Cleveland hereby state that:**

1. I have ( ) I have not (X) property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

2. I have ( ) I have no (X) financial interest in any business entity which has a property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

3. I have ( ) I have no (X) family member having any interest described in paragraph 1 or 2 of this form.

If any of the three statements set out above have been made in the affirmative, then the nature and extent of such interest must be set out in the space provided below:

Signature of Official: Terry Goodge

Date Signed: 5-28-2026

CITY OF CLEVELAND
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Development Request: The City of Cleveland has received an application from Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.. Application # 2056

NAME: TERRY GOODGER **DATE:** 5-28-2024

NOTE: "YES" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "NO" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Does the zoning proposal describe a use that is suitable in view of existing uses of adjacent and nearby property?	✓			
2. Will the zoning proposal be in conformity with the future land use plan of the city of Cleveland?	✓			
3. Has the property been underdeveloped or undeveloped for an unreasonable length of time when considered in the context of existing land use and development in the area?				
4. Has the existing land use in the area undergone any recent change which would tend to support the approval of the zoning proposal?			✓	
5. Are the present zoning district boundaries illogically drawn given the existing land use in the area?	✓			

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
6. Is there reasonably sufficient evidence, based on existing and anticipated land use that would support the conclusion that an error was made in the original zoning of the property?			✓	
7. Will the property value of the subject property be increased by the proposed zoning change?	✓			

NOTE: "NO" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "YES" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			✓	
2. Does the subject property have a reasonable economic use as currently zoned?			✓	
3. Will the zoning proposal create excessive use or exceed the service capacity of existing streets, transportation facilities, water, sewer, electrical and telephone facilities, schools, police protection, public health facilities or emergency medical services?			✓	
4. Will the property values of adjoining and nearby tracts of land be diminished by the proposed zoning change?			✓	

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
5. Will the lack of increase in the value of the applicant's property which may be brought about by a denial of said zoning proposal be offset by corresponding benefits to the public health, safety, morals or general welfare?			✓	
6. Will there be a relative gain to the public health, safety, morals or general welfare by keeping the present zoning classifications, when compared to the hardship imposed upon the applicant property owner by the denial of the proposal?			✓	
7. Will the change requested create an isolated district (use) unrelated to the surrounding districts (uses) and therefore create a "spot zoning"?			✓	
8. Will the change requested be out of scale with the needs of the city as a whole or the needs of the immediate neighborhood?			✓	
9. Will the proposed change in land use have a significant negative impact upon the quality of the natural or man-made environment in the neighborhood or the City?			✓	
10. Are there existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?			✓	

CITY OF CLEVELAND
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Development Request: The City of Cleveland has received an application from Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.. Application # 2056

NAME: Aaron Greene **DATE:** 5-28-26

NOTE: "YES" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "NO" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Does the zoning proposal describe a use that is suitable in view of existing uses of adjacent and nearby property?		↘		
2. Will the zoning proposal be in conformity with the future land use plan of the city of Cleveland?		↘		
3. Has the property been underdeveloped or undeveloped for an unreasonable length of time when considered in the context of existing land use and development in the area?	↘			
4. Has the existing land use in the area undergone any recent change which would tend to support the approval of the zoning proposal?		↘		
5. Are the present zoning district boundaries illogically drawn given the existing land use in the area?	↘			

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
6. Is there reasonably sufficient evidence, based on existing and anticipated land use that would support the conclusion that an error was made in the original zoning of the property?			✓	
7. Will the property value of the subject property be increased by the proposed zoning change?	✓			

NOTE: "NO" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "YES" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			✓	
2. Does the subject property have a reasonable economic use as currently zoned?			✓	
3. Will the zoning proposal create excessive use or exceed the service capacity of existing streets, transportation facilities, water, sewer, electrical and telephone facilities, schools, police protection, public health facilities or emergency medical services?			✓	
4. Will the property values of adjoining and nearby tracts of land be diminished by the proposed zoning change?			✓	

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
5. Will the lack of increase in the value of the applicant's property which may be brought about by a denial of said zoning proposal be offset by corresponding benefits to the public health, safety, morals or general welfare?		✓		
6. Will there be a relative gain to the public health, safety, morals or general welfare by keeping the present zoning classifications, when compared to the hardship imposed upon the applicant property owner by the denial of the proposal?			✓	
7. Will the change requested create an isolated district (use) unrelated to the surrounding districts (uses) and therefore create a "spot zoning"?			✓	
8. Will the change requested be out of scale with the needs of the city as a whole or the needs of the immediate neighborhood?			✓	
9. Will the proposed change in land use have a significant negative impact upon the quality of the natural or man-made environment in the neighborhood or the City?			✓	
10. Are there existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?			✓	

CITY OF CLEVELAND
FINANCIAL INTERESTS DISCLOSURE FORM
FOR
LOCAL GOVERNMENT OFFICIAL

APPLICATION NUMBER: 2056 DATE: May 7, 2026

APPLICANT: Cleveland First Methodist Church, Inc

LOCATION: 152 East Kytle Street

TYPE OF REQUEST: **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental..**

The proposed use of this property is for commercial and residential use.

I, Aaron Greene, **Planning and Zoning Commission member of the City of Cleveland hereby state that:**

1. I have ( ) I have not (✓) property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

2. I have ( ) I have no (✓) financial interest in any business entity which has a property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

3. I have ( ) I have no (✓) family member having any interest described in paragraph 1 or 2 of this form.

If any of the three statements set out above have been made in the affirmative, then the nature and extent of such interest must be set out in the space provided below:

Signature of Official: _____

Date Signed: 5-28-26

CITY OF CLEVELAND
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Development Request: The City of Cleveland has received an application from Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.. Application # 2056

NAME: Alan Bobbs **DATE:** 5/28/26

NOTE: "YES" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "NO" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Does the zoning proposal describe a use that is suitable in view of existing uses of adjacent and nearby property?	✓			
2. Will the zoning proposal be in conformity with the future land use plan of the city of Cleveland?		✓		
3. Has the property been underdeveloped or undeveloped for an unreasonable length of time when considered in the context of existing land use and development in the area?	-			
4. Has the existing land use in the area undergone any recent change which would tend to support the approval of the zoning proposal?	✓			
5. Are the present zoning district boundaries illogically drawn given the existing land use in the area?		✓		

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
6. Is there reasonably sufficient evidence, based on existing and anticipated land use that would support the conclusion that an error was made in the original zoning of the property?			✓	
7. Will the property value of the subject property be increased by the proposed zoning change?	✓			

NOTE: "NO" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "YES" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			✓	
2. Does the subject property have a reasonable economic use as currently zoned?			✓	
3. Will the zoning proposal create excessive use or exceed the service capacity of existing streets, transportation facilities, water, sewer, electrical and telephone facilities, schools, police protection, public health facilities or emergency medical services?			✓	
4. Will the property values of adjoining and nearby tracts of land be diminished by the proposed zoning change?			✓	

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
5. Will the lack of increase in the value of the applicant's property which may be brought about by a denial of said zoning proposal be offset by corresponding benefits to the public health, safety, morals or general welfare?			✓	
6. Will there be a relative gain to the public health, safety, morals or general welfare by keeping the present zoning classifications, when compared to the hardship imposed upon the applicant property owner by the denial of the proposal?			✓	
7. Will the change requested create an isolated district (use) unrelated to the surrounding districts (uses) and therefore create a "spot zoning"?			✓	
8. Will the change requested be out of scale with the needs of the city as a whole or the needs of the immediate neighborhood?			✓	
9. Will the proposed change in land use have a significant negative impact upon the quality of the natural or man-made environment in the neighborhood or the City?			✓	
10. Are there existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?			✓	

CITY OF CLEVELAND
FINANCIAL INTERESTS DISCLOSURE FORM
FOR
LOCAL GOVERNMENT OFFICIAL

APPLICATION NUMBER: 2056 DATE: May 7, 2026

APPLICANT: Cleveland First Methodist Church, Inc

LOCATION: 152 East Kytle Street

TYPE OF REQUEST: **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental..**

The proposed use of this property is for commercial and residential use.

I, Alan Boggs, **Planning and Zoning Commission member of the City of Cleveland hereby state that:**

1. I have ( ) I have not (✓) property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

2. I have ( ) I have no (✓) financial interest in any business entity which has a property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote. Church Member

3. I have ( ) I have no (✓) family member having any interest described in paragraph 1 or 2 of this form.

If any of the three statements set out above have been made in the affirmative, then the nature and extent of such interest must be set out in the space provided below:

Signature of Official: _____

Date Signed: 5/28/26

CITY OF CLEVELAND
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Development Request: The City of Cleveland has received an application from Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.. Application # 2056

NAME: Nadine Wardenga **DATE:** 05/28/2024

NOTE: "YES" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "NO" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Does the zoning proposal describe a use that is suitable in view of existing uses of adjacent and nearby property?	✓			
2. Will the zoning proposal be in conformity with the future land use plan of the city of Cleveland?	✓			
3. Has the property been underdeveloped or undeveloped for an unreasonable length of time when considered in the context of existing land use and development in the area?	✓			
4. Has the existing land use in the area undergone any recent change which would tend to support the approval of the zoning proposal?	✓			
5. Are the present zoning district boundaries illogically drawn given the existing land use in the area?	✓			

I see NO reason this application should not pass

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
6. Is there reasonably sufficient evidence, based on existing and anticipated land use that would support the conclusion that an error was made in the original zoning of the property?	✓			
7. Will the property value of the subject property be increased by the proposed zoning change?	✓			

NOTE: "NO" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "YES" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			✓	
2. Does the subject property have a reasonable economic use as currently zoned?			✓	
3. Will the zoning proposal create excessive use or exceed the service capacity of existing streets, transportation facilities, water, sewer, electrical and telephone facilities, schools, police protection, public health facilities or emergency medical services?			✓	
4. Will the property values of adjoining and nearby tracts of land be diminished by the proposed zoning change?			✓	

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
5. Will the lack of increase in the value of the applicant's property which may be brought about by a denial of said zoning proposal be offset by corresponding benefits to the public health, safety, morals or general welfare?			✓	
6. Will there be a relative gain to the public health, safety, morals or general welfare by keeping the present zoning classifications, when compared to the hardship imposed upon the applicant property owner by the denial of the proposal?			✓	
7. Will the change requested create an isolated district (use) unrelated to the surrounding districts (uses) and therefore create a "spot zoning"?			✓	
8. Will the change requested be out of scale with the needs of the city as a whole or the needs of the immediate neighborhood?			✓	
9. Will the proposed change in land use have a significant negative impact upon the quality of the natural or man-made environment in the neighborhood or the City?			✓	
10. Are there existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?			✓	

CITY OF CLEVELAND
FINANCIAL INTERESTS DISCLOSURE FORM
FOR
LOCAL GOVERNMENT OFFICIAL

APPLICATION NUMBER: 2056 DATE: May 7, 2026

APPLICANT: Cleveland First Methodist Church, Inc

LOCATION: 152 East Kytle Street

TYPE OF REQUEST: **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental..**

The proposed use of this property is for commercial and residential use.

I, Nadine Wardinga, **Planning and Zoning Commission member of the City of Cleveland hereby state that:**

1. I have ( ) I have not (✓) property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

2. I have ( ) I have no (✓) financial interest in any business entity which has a property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

3. I have ( ) I have no (✓) family member having any interest described in paragraph 1 or 2 of this form.

If any of the three statements set out above have been made in the affirmative, then the nature and extent of such interest must be set out in the space provided below:

Signature of Official: Nadine A Wardinga

Date Signed: 05/28/2026

CITY OF CLEVELAND
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Development Request: The City of Cleveland has received an application from Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.. Application # 2056

NAME: Michelle Ash **DATE:** 05/28/26

NOTE: "YES" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "NO" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Does the zoning proposal describe a use that is suitable in view of existing uses of adjacent and nearby property?	✓			
2. Will the zoning proposal be in conformity with the future land use plan of the city of Cleveland?	✓			
3. Has the property been underdeveloped or undeveloped for an unreasonable length of time when considered in the context of existing land use and development in the area?	✓			
4. Has the existing land use in the area undergone any recent change which would tend to support the approval of the zoning proposal?	✓			
5. Are the present zoning district boundaries illogically drawn given the existing land use in the area?	✓			

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
6. Is there reasonably sufficient evidence, based on existing and anticipated land use that would support the conclusion that an error was made in the original zoning of the property?	✓			
7. Will the property value of the subject property be increased by the proposed zoning change?	✓	✓		

NOTE: "NO" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "YES" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			✓	
2. Does the subject property have a reasonable economic use as currently zoned?			✓	
3. Will the zoning proposal create excessive use or exceed the service capacity of existing streets, transportation facilities, water, sewer, electrical and telephone facilities, schools, police protection, public health facilities or emergency medical services?			✓	
4. Will the property values of adjoining and nearby tracts of land be diminished by the proposed zoning change?			✓	

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
5. Will the lack of increase in the value of the applicant's property which may be brought about by a denial of said zoning proposal be offset by corresponding benefits to the public health, safety, morals or general welfare?			✓	
6. Will there be a relative gain to the public health, safety, morals or general welfare by keeping the present zoning classifications, when compared to the hardship imposed upon the applicant property owner by the denial of the proposal?			✓	
7. Will the change requested create an isolated district (use) unrelated to the surrounding districts (uses) and therefore create a "spot zoning"?			✓	
8. Will the change requested be out of scale with the needs of the city as a whole or the needs of the immediate neighborhood?			✓	
9. Will the proposed change in land use have a significant negative impact upon the quality of the natural or man-made environment in the neighborhood or the City?			✓	
10. Are there existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?			✓	

CITY OF CLEVELAND
FINANCIAL INTERESTS DISCLOSURE FORM
FOR
LOCAL GOVERNMENT OFFICIAL

APPLICATION NUMBER: 2056 DATE: May 7, 2026

APPLICANT: Cleveland First Methodist Church, Inc

LOCATION: 152 East Kytle Street

TYPE OF REQUEST: **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental..**

The proposed use of this property is for commercial and residential use.

I, Michelle Ash, **Planning and Zoning Commission member of the City of Cleveland hereby state that:**

1. I have ( ) I have not (X) property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

2. I have ( ) I have no (X) financial interest in any business entity which has a property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

3. I have ( ) I have no (X) family member having any interest described in paragraph 1 or 2 of this form.

If any of the three statements set out above have been made in the affirmative, then the nature and extent of such interest must be set out in the space provided below:

Signature of Official: Michelle Ash

Date Signed: 05/28/26

CITY OF CLEVELAND
FINANCIAL INTERESTS DISCLOSURE FORM
FOR
LOCAL GOVERNMENT OFFICIAL

APPLICATION NUMBER: 2056 DATE: May 7, 2026

APPLICANT: Cleveland First Methodist Church, Inc

LOCATION: 152 East Kytle Street

TYPE OF REQUEST: **Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental..**

The proposed use of this property is for commercial and residential use.

I, Valerie J. Mueller, **Planning and Zoning Commission member of the City of Cleveland hereby state that:**

1. I have ( ) I have not (✓) property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

2. I have ( ) I have no (✓) financial interest in any business entity which has a property interest in any real property affected by the above referenced rezoning action upon which I am authorized to vote.

3. I have ( ) I have no (✓) family member having any interest described in paragraph 1 or 2 of this form.

If any of the three statements set out above have been made in the affirmative, then the nature and extent of such interest must be set out in the space provided below:

Signature of Official: Valerie J. Mueller

Date Signed: 5/28/24

CITY OF CLEVELAND
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Development Request: The City of Cleveland has received an application from Cleveland First Methodist Church, Inc proposes to rezone a 0.84 acre tract, Tax Map and Parcel C01D 108, located at 152 East Kytle Street, Cleveland, Georgia 30528. The current zoning of the property is P-I, Public Institutional District. The requested rezoning classification of said tract is R-1, Single Family Residential District. The proposed use for the property is residential rental.. Application # 2056

NAME: Valeria S. Matteen **DATE:** 5/28/24

NOTE: "YES" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "NO" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Does the zoning proposal describe a use that is suitable in view of existing uses of adjacent and nearby property?	✓			
2. Will the zoning proposal be in conformity with the future land use plan of the city of Cleveland?	✓			
3. Has the property been underdeveloped or undeveloped for an unreasonable length of time when considered in the context of existing land use and development in the area?			✓	
4. Has the existing land use in the area undergone any recent change which would tend to support the approval of the zoning proposal?	✓			
5. Are the present zoning district boundaries illogically drawn given the existing land use in the area?	✓			

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
6. Is there reasonably sufficient evidence, based on existing and anticipated land use that would support the conclusion that an error was made in the original zoning of the property?			✓	
7. Will the property value of the subject property be increased by the proposed zoning change?			✓	

NOTE: "NO" answers to the following questions tend to support the reasonableness of the application for rezoning or permissive use, while "YES" answers tend to deny the reasonableness of the application.

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
1. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			✓	
2. Does the subject property have a reasonable economic use as currently zoned?			✓	
3. Will the zoning proposal create excessive use or exceed the service capacity of existing streets, transportation facilities, water, sewer, electrical and telephone facilities, schools, police protection, public health facilities or emergency medical services?			✓	
4. Will the property values of adjoining and nearby tracts of land be diminished by the proposed zoning change?			✓	

QUESTIONS	YES	SOMEWHAT	NO	COMMENTS
5. Will the lack of increase in the value of the applicant's property which may be brought about by a denial of said zoning proposal be offset by corresponding benefits to the public health, safety, morals or general welfare?			✓	
6. Will there be a relative gain to the public health, safety, morals or general welfare by keeping the present zoning classifications, when compared to the hardship imposed upon the applicant property owner by the denial of the proposal?			✓	
7. Will the change requested create an isolated district (use) unrelated to the surrounding districts (uses) and therefore create a "spot zoning"?			✓	
8. Will the change requested be out of scale with the needs of the city as a whole or the needs of the immediate neighborhood?			✓	
9. Will the proposed change in land use have a significant negative impact upon the quality of the natural or man-made environment in the neighborhood or the City?			✓	
10. Are there existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?			✓	

CITY OF CLEVELAND

ECONOMIC DEVELOPMENT AND PLANNING REPORT/ACTVITY

May 2026

ACTIVITY		(SIGNIFICANT)
Occupational License	4	(Gateway Village, Artistic Box)
Building Permits	6	(Aldi, Walgreens, Coleby Nelson, Res. remodel)
Building Inspections	24	(Soaring Therapy, Farmhouse Coffee, Apex Bank, Halpern Enterprises, Woodlands Camp, Walmart, Aldi, Coleby Nelson, 34 E Kytle)
Sign Permits	4	(Tractor Supply, Artistic Box, Zips Car Wash)
Plan Review	2	(Maximum Development, City Hall Generator)
Current Commercial Activity	9	(Soaring Therapy, Always Café, Walmart, Apex Bank, , Farmhouse Coffee, Halpern Enterprises, 34,36 E Kytle, Aldi)
Development Inquiry	2	(Ricky Ferguson, R& B Honey Co.)

Grant Applications and Administration

ARC well project –preparing the preliminary engineering report for ARC. Survey work for Truelove Rd site is complete.

Pre-construction meeting was held May 8th on site. Notice to Proceed issued. Land Disturbance under review.

Infrastructure and Planning

Completed the monthly US Census Bureau report on construction status of the WWTP expansion, including expenditures.

City of Cleveland Planning and Zoning Board met on May 28, 2026 on the re-zoning application request by Cleveland First Methodist Church.

Attended and presented at the GMA Georgia Small Cities Conference; Planning for Infrastructure and Growth.

Attended the Georgia Economic Developers Association regarding FIFA World Cup in Georgia; economic impact on small communities; local licensing with FIFA.

Attended the quarterly Chestatee Chattahoochee RC&D meeting. USDA Ag assistance programs, and Water Resources Assistance for communities.

City of Cleveland

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City of Mountain Breezes
CLEVELAND, GEORGIA

Monthly Financial Report

Period Ending April 2026

General Fund Summary

	April 2026	FY 2026 YTD	April 2025	FY 2025 YTD
Revenues	287,489	4,343,322	264,748	4,040,018
Expenditures	407,562	4,023,835	326,798	3,756,571
Net Income (Loss)	(120,073)	319,487	(62,050)	283,447

General Fund – Revenue Comparison

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CLEVELAND, GEORGIA

	FY 2026			
Revenue	April 2026	Year to Date	Budget	% of Budget
Taxes	219,924	3,283,740	3,472,617	95%
Licenses and Permits	4,015	137,145	133,500	103%
Intergovernmental Revenues	4,045	145,028	142,000	102%
Charges for Services	42,141	418,951	460,500	91%
Fines and Forfeitures	5,293	86,683	72,500	120%
Investment Income	6,178	61,905	30,000	206%
Miscellaneous Revenue	2,239	30,106	16,100	187%
Other Financing Sources	3,655	179,763	702,209	26%
Totals	**287,489**	**4,343,322**	**5,029,426**	**86%**

	FY 2025			
Revenue	April 2025	Year to Date	Budget	% of Budget
Taxes	196,221	3,142,887	3,207,377	98%
Licenses and Permits	10,352	136,735	121,000	113%
Intergovernmental Revenues	5,258	180,119	141,955	127%
Charges for Services	37,938	373,802	456,550	82%
Fines and Forfeitures	4,898	73,039	67,550	108%
Investment Income	5,901	36,139	30,000	120%
Miscellaneous Revenue	4,181	15,606	17,000	92%
Other Financing Sources	-	81,691	756,345	11%
Totals	**264,748**	**4,040,018**	**4,797,777**	**84%**

LOST COLLECTION TRENDS

Month	FY 2024	FY 2025	FY 2026	% Change from PY
July	159,421.43	150,894.61	157,623.86	4.5%
August	133,107.82	135,069.17	144,916.98	7.3%
September	135,493.23	122,372.18	140,377.76	14.7%
October	141,910.18	157,707.61	152,753.55	-3.1%
November	134,235.42	142,693.61	149,519.58	4.8%
December	145,936.76	151,299.57	166,734.31	10.0%
January	111,184.58	129,101.58	121,743.00	-5.7%
February	115,987.89	114,430.56	121,160.08	5.9%
March	123,848.47	147,332.04	134,048.47	-9.0%
April	121,609.50	131,074.83	130,796.56	-0.2%
May	133,755.51	136,493.37	0.00	
June	144,904.35	144,484.92	0.00	
	1,601,395.14	1,662,954.05	1,419,674.15	2.7%

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SPLOST COLLECTION TRENDS

Month	FY 2024	FY 2025	FY2026	% Change from PY
July	156,255.26	149,386.65	156,043.15	4.5%
August	131,606.73	133,717.27	143,463.96	7.3%
September	134,138.57	121,167.39	138,970.45	14.7%
October	140,492.34	156,130.37	151,221.66	-3.1%
November	133,067.23	141,615.74	148,697.88	5.0%
December	144,258.35	149,437.35	164,340.45	10.0%
January	110,073.97	127,811.77	120,522.63	-5.7%
February	114,827.34	113,286.94	119,945.24	5.9%
March	122,611.05	145,859.46	132,705.16	-9.0%
April	120,394.50	129,765.21	129,485.51	-0.2%
May	132,764.06	135,283.99	0.00	
June	143,109.95	142,882.35	0.00	
	1,583,599.35	1,646,344.49	1,405,396.09	2.7%

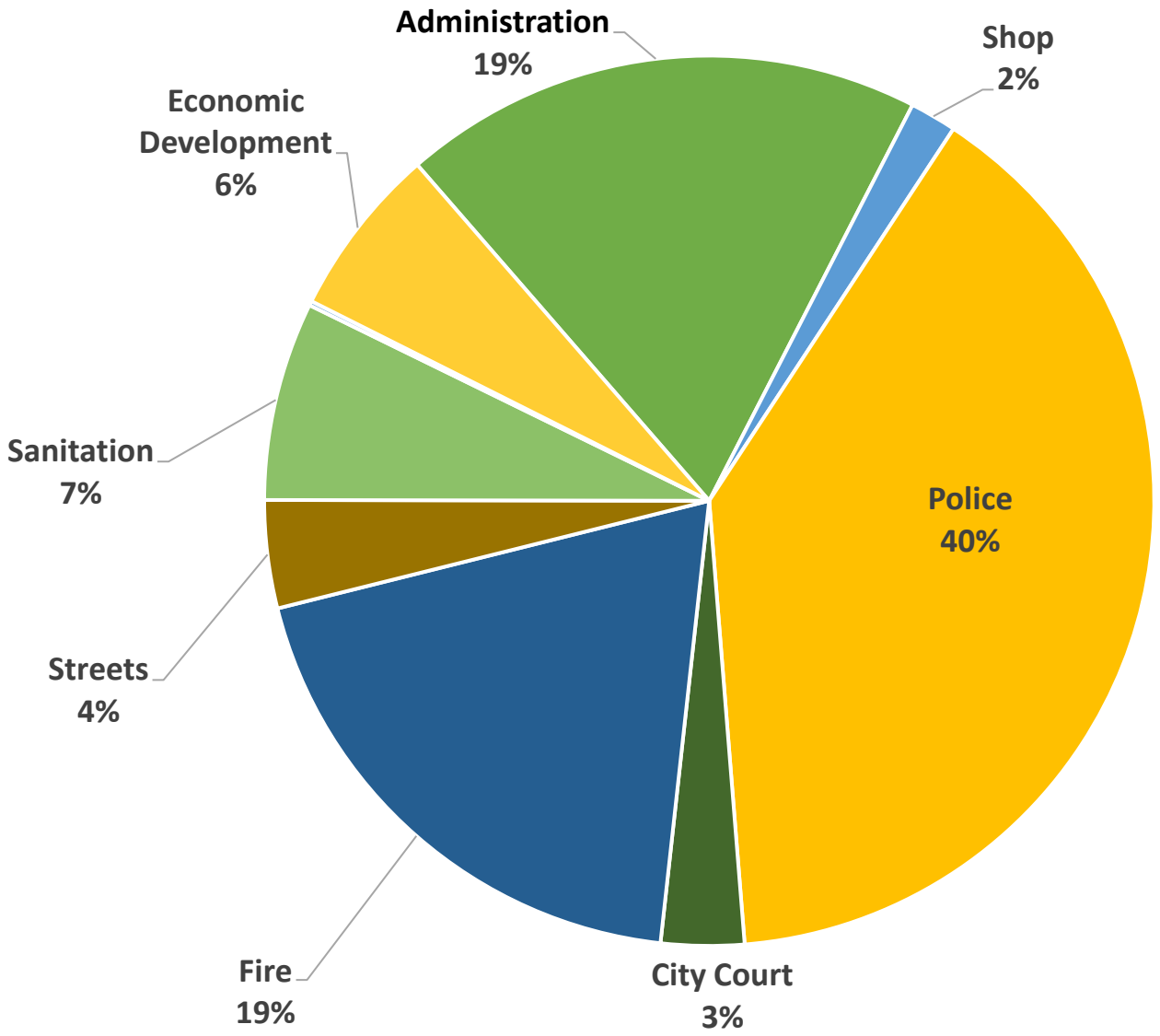
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General Fund – Expenditure Comparison

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City of Mountain Breezes
CLEVELAND, GEORGIA

	FY 2026				FY 2025				
	April 2026	Year to Date	Budget	% of Budget		April 2025	Year to Date	Budget	% of Budget
Department					**Department**				
Administration	77,220	706,853	908,700	78%	Administration	79,780	1,013,021	1,302,288	78%
Shop	6,907	79,148	100,534	79%	Shop	6,398	72,526	95,715	76%
Police	160,888	1,660,688	2,094,856	79%	Police	143,112	1,624,240	2,021,976	80%
City Court	12,305	140,664	180,211	78%	City Court	13,299	141,803	168,939	84%
Fire	78,911	645,112	750,085	86%	Fire	53,736	507,359	647,223	78%
Streets	15,970	164,623	203,257	81%	Streets	7,127	80,217	154,407	52%
Sanitation	29,398	327,055	389,847	84%	Sanitation	22,461	303,728	387,129	78%
City Park	656	17,602	23,100	76%	City Park	885	13,677	20,100	68%
Economic Development	25,307	282,089	378,836	74%					
Totals	**407,562**	**4,023,835**	**5,029,426**	**80%**	**Totals**	**326,798**	**3,756,571**	**4,797,777**	**7**

General Fund – Expenditures By Department April 2026



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CLEVELAND, GEORGIA

Water and Sewer Fund
Revenue & Expense Comparison

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City of Mountain Breezes
CLEVELAND, GEORGIA

	FY 2026			
Revenue	**April 2026**	**Year to Date**	**Budget**	**% of Budget**
Charges for Services	251,153	2,416,672	2,777,024	87%
Investment Income	7,887	76,980	123,547	62%
Miscellaneous Revenue		1,938	11,731	17%
Other Financing Sources			400,000	0%
Intergovernmental Revenues	-	-		0%
Totals	**259,039**	**2,495,590**	**3,312,302**	**75%**

	FY 2025			
Revenue	**April 2025**	**Year to Date**	**Budget**	**% of Budget**
Charges for Services	238,410	2,262,118	2,584,864	88%
Investment Income	8,862	101,523	80,000	127%
Miscellaneous Revenue	25	8,823	2,000	441%
Other Financing Sources	-	-	400,000	0%
Intergovernmental Revenues	-	-		0%
Totals	**247,297**	**2,372,464**	**3,066,864**	**77%**

Expense	**April 2026**	**Year to Date**	**Budget**	**% of Budget**
Water	76,808	1,257,364	1,968,049	64%
Sewer	79,675	834,508	1,167,126	72%
General Government			-	0%
Totals	**156,484**	**2,091,872**	**3,135,175**	**67%**
Net Income (Loss)	**102,556**	**403,717**		

Expense	**April 2025**	**Year to Date**	**Budget**	**% of Budget**
Water	98,358	1,331,997	1,974,081	67%
Sewer	59,694	776,447	1,092,783	71%
General Government			-	0%
Totals	**158,052**	**2,108,444**	**3,066,864**	**69%**
Net Income (Loss)	**89,245**	**264,020**		

May 31 2026

Capital Projects/ SPLOST

Beginning Balance	$1,433,262.92
Increases	
Interest	$3,549.22
SPLOST	$129,485.51
Decreases	
Jacky Jones-Hayesville	$37,900.00
Logically - New City Hall	$17,968.60
Ending Balance	$1,510,429.05

FY 2026 SPLOST V Budget

	Original Appropriation	Amended Appropriation	Committed YTD	Available Appropriation
320 SPLOST - PROJECTS				
2 POLICE VEHICLES	$120,000.00	$55,000.00	$143,427.00	$31,573.00
PUBLIC WORKS VEHICLE	$60,000.00	$0.00	$56,065.00	$3,935.00
TECHNOLOGY UPGRADE	$60,000.00	$0.00	$67,938.65	-$7,938.65
VAC TRAILER	$80,000.00	$0.00	$77,789.00	$2,211.00
BUCKET TRUCK	$60,000.00	$0.00	$70,013.00	-$10,013.00
CULVERT - JESS HUNT RD	$450,000.00	$0.00	$0.00	$450,000.00
TRUELOVE TEST WELL	$60,000.00	$0.00	$6,000.00	$54,000.00
BALLISTIC SHIELD	$5,000.00	$0.00	$5,000.00	$0.00
RADIOS & TURNOUT GEAR	$100,000.00	$0.00	$0.00	$100,000.00
UTILITY VEHICLE	$60,000.00	$0.00	$61,000.00	-$1,000.00
ROADS AND STREETS	$250,000.00	$0.00	$1,860.00	$248,140.00
PLAYGROUND EQUIPMENT	$200,000.00	$0.00	$0.00	$200,000.00
PROPERTY ACQUISTION/FACILITY IMPROVEMENTS	$231,681.00	$0.00	$110,540.87	$121,140.13
TASERS	$98,000.00	$0.00	$98,000.00	$0.00
TOTAL	**$1,834,681.00**	**$55,000.00**	**$697,633.52**	**$1,192,047.48**

CITY OF CLEVELAND FIRE DEPARTMENT

MONTHLY REPORT – MAY 2026

Prepared by:
M. Jason Bryant
Fire Chief
Cleveland Fire Department

Chief's Leadership Note

May was another productive month for the Cleveland Fire Department as we continued to focus on operational readiness, firefighter development, community engagement, and organizational growth. While call volume remained steady, the department continues to experience significant regional response demands through automatic aid agreements, highlighting the importance of maintaining adequate staffing, equipment, and training resources.

The continued success of the department is a direct reflection of the dedication of our personnel and the strong leadership provided throughout the organization.

1. Executive Summary

The department responded to 128 incidents during May 2026, bringing the year-to-date total to 659 incidents, compared to 643 incidents during the same period in 2025, representing a 2.5% increase in call volume.

The long-term trend continues to show substantial growth. Since 2022, call volume has increased from 416 incidents to 659 incidents, representing a 58.4% increase in service demand over the past five years.

The department remains fully staffed and is actively recruiting to fill two additional part-time firefighter positions.

Operationally, the most significant concern remains the department's automatic aid commitment. During May, approximately 52% of emergency responses occurred outside the City of Cleveland, placing city resources into surrounding jurisdictions and reducing available coverage within the city.

Personnel completed 307 documented training hours during the month, continuing the department's commitment to operational readiness and professional development.

The Fire Marshal's Office continues to develop under the leadership of Captain Stephen Sears, with a focus on inspections, plan reviews, and development coordination. During May, personnel

completed approximately 20 inspections and 10 plan reviews involving new and existing construction projects.

Personnel also continued the department's annual hydrant maintenance program and have completed approximately 70% of scheduled hydrant inspections and maintenance activities for the year, helping ensure operational readiness and supporting favorable ISO outcomes.

Community outreach remained strong throughout the month, including multiple fire safety education events, support of local community gatherings, and a water safety event for approximately 100 fifth-grade students at J.P. Nix Elementary School.

Key Accomplishments – May 2026

• Responded to 128 emergency incidents

• Completed 307 documented training hours

• Conducted approximately 20 fire and life safety inspections

• Completed approximately 10 plan reviews

• Continued development of the Fire Marshal's Office

• Completed approximately 70% of annual hydrant inspection and maintenance activities

• Conducted a water safety and community engagement event for approximately 100 fifth-grade students at J.P. Nix Elementary School

• Supported multiple elementary school fire safety events

• Supported the Freedom Park business block party

• Chief Bryant served as keynote speaker for a recruit graduation ceremony

• Chief Bryant instructed a Structural Fire Control course at GPSTC

• Continued recruitment efforts for two part-time firefighter positions

2. Emergency Response Activity

Total Incidents: 128

Incident Type Distribution

• EMS Incidents: 80 (62.5%)

• Fire Incidents: 4 (3.1%)

• Hazardous Materials Incidents: 7 (5.5%)

• Other Service Calls: 37 (28.9%)

EMS incidents continue to represent the majority of the department's service demand.

Response Area Distribution

• City of Cleveland: 62 incidents (48%)

• Automatic Aid Outside City Limits: 58 incidents (45%)

• Other Areas: 8 incidents (7%)

3. Automatic Aid Activity

Automatic aid continues to be one of the most significant operational issues facing the department.

During May:

• 62 incidents occurred within the City of Cleveland

• 58 incidents occurred outside the City through automatic aid responses

When evaluated based on actual emergency responses, approximately 52% of all department responses occurred outside city limits.

While regional cooperation remains important, the current response pattern requires continued evaluation to ensure Cleveland residents receive the level of service expected from their fire department and that adequate resources remain available within the city.

As call volume continues to increase, balancing regional response obligations with local service delivery remains a critical operational priority.

4. Training and Professional Development

Department personnel completed a total of 307 training hours during May.

Training efforts focused on maintaining operational readiness, company-level competency, apparatus operations, and officer development.

Training highlights included:

• Continued development of newly certified aerial operators

• Company-level fireground operations training

• Driver/operator development

• Officer development and leadership training

• Ongoing compliance and certification maintenance

Chief Bryant instructed a Structural Fire Control course at the Georgia Public Safety Training Center (GPSTC) and served as the keynote speaker for a Metro Atlanta recruit graduation ceremony, representing both the department and the City of Cleveland within the Georgia fire service community.

Captain Sears continued coordinating department training efforts while leading the development of the Fire Marshal's Office.

5. Fire Marshal Division

The department continues making progress in developing a comprehensive Fire Marshal's Office.

During May:

• Approximately 20 inspections were completed

• Approximately 10 plan reviews were conducted

• Continued involvement in new construction and development projects

• Ongoing implementation of prevention and code enforcement procedures

• Continued coordination with contractors, developers, and city staff

Captain Sears continues leading these efforts while balancing training coordination responsibilities.

6. Apparatus and Equipment Status

The department continues to monitor apparatus readiness and maintenance needs.

Current apparatus status:

• Rescue 21: Remains out of service awaiting repair estimates

• Engine 21: Fully operational

• Truck 21: Fully operational; warranty-related repairs continue to be addressed

• Utility 21: Fully operational

The department continues working closely with vendors and manufacturers to address maintenance concerns while maintaining operational readiness.

7. Staffing and Organizational Development

The department remains fully staffed operationally and is currently working to hire two additional part-time firefighters to strengthen staffing depth and scheduling flexibility.

Organizational initiatives currently underway include:

• Department Policy Manual development

• Standard Operating Procedure (SOP) revisions

• Standard Operating Guideline (SOG) development

• Fire Marshal Office implementation

• Continued officer development initiatives

Strong leadership continues throughout the organization from Captain Sears, Lieutenant Morris, Lieutenant Joiner, Interim Lieutenant Johnson, and Lieutenant Jarvis, who continue ensuring consistency, accountability, professionalism, and operational readiness across all shifts.

8. Community Engagement and Public Safety

Community outreach remained a priority throughout May.

Activities included:

• Multiple elementary school fire safety education events

• Conducting a water safety and community engagement event for approximately 100 fifth-grade students at J.P. Nix Elementary School

• Support of the Freedom Park business block party

• Ongoing public education initiatives

• Continued community risk reduction efforts

These programs provide opportunities for positive interaction between firefighters and the community while reinforcing important fire safety, water safety, and emergency preparedness messages.

In addition to public education activities, personnel continued the department's annual hydrant maintenance program and are currently approximately 70% complete with citywide hydrant inspections and maintenance activities. These efforts support operational readiness, water supply reliability, and ISO compliance.

9. Looking Ahead – June 2026

The department will continue focusing on:

• Recruitment of additional part-time firefighters

• Fire Marshal Office development

• Completion and review of SOPs and SOGs

• Apparatus maintenance and readiness

• Continued hydrant inspection and maintenance activities

• Evaluation of automatic aid response impacts

• Community outreach and public education programs

A major initiative scheduled for June is the department's hosting of an NPQ Fire Inspector I course. The course will include 15 students from multiple departments throughout the region and further establish Cleveland Fire Department as a regional training partner. Upon successful completion, the department will have 10 certified Fire Inspectors, significantly strengthening fire prevention, inspection, and life safety capabilities.

Budget development will remain a major focus as the department works to address growing service demands while maintaining high levels of service to the community.

10. Closing Statement

The Cleveland Fire Department remains committed to providing professional, dependable emergency services while continuing to strengthen the organization through training, prevention, community engagement, and responsible stewardship of resources.

As call volume continues to increase and regional response obligations expand, the department remains focused on ensuring that Cleveland citizens receive the highest level of service possible while preparing for future growth.

Progress continues not only in emergency response and training, but also in prevention, fire protection infrastructure, and community risk reduction efforts, including hydrant maintenance, inspections, plan reviews, public education, and development oversight.

The progress achieved this month reflects the dedication, professionalism, and commitment of every member of the Cleveland Fire Department.

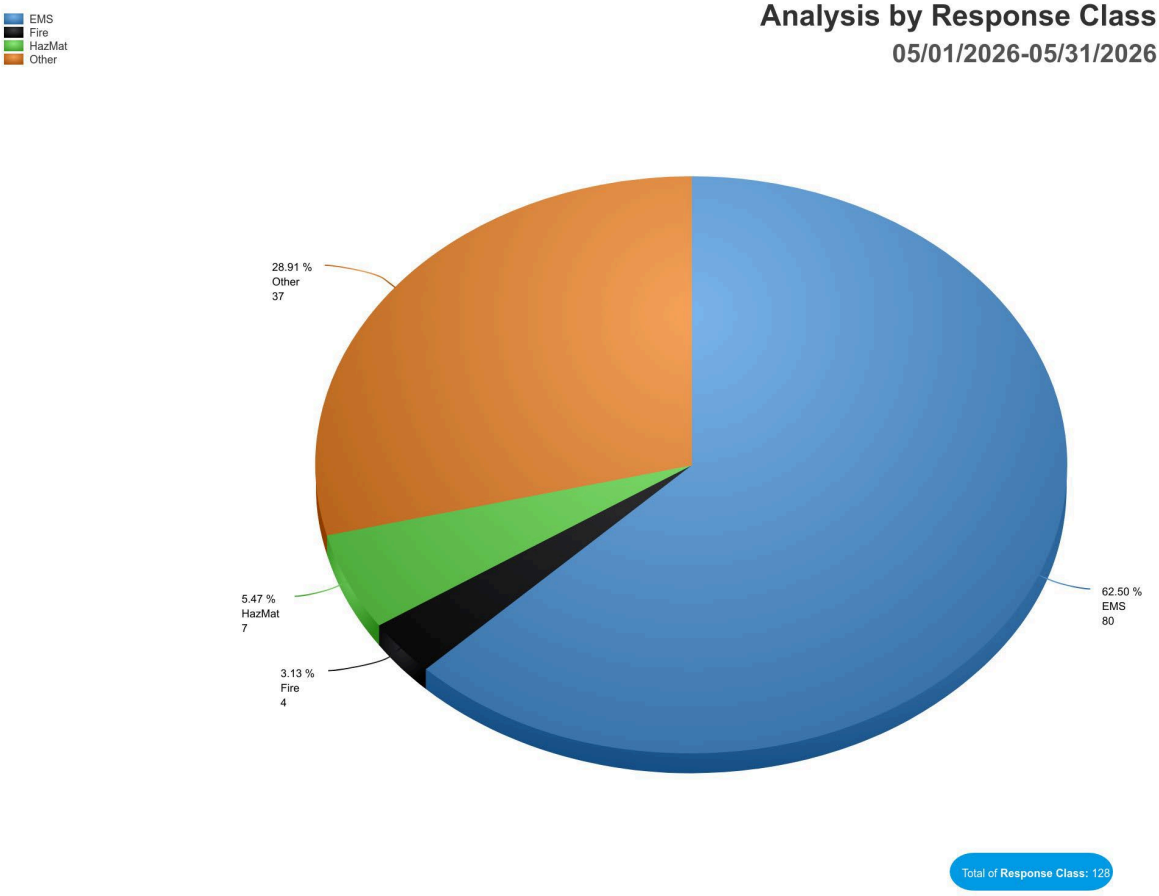
The continued success of the Cleveland Fire Department is a direct reflection of the men and women who serve this community every day with professionalism, pride, and dedication.

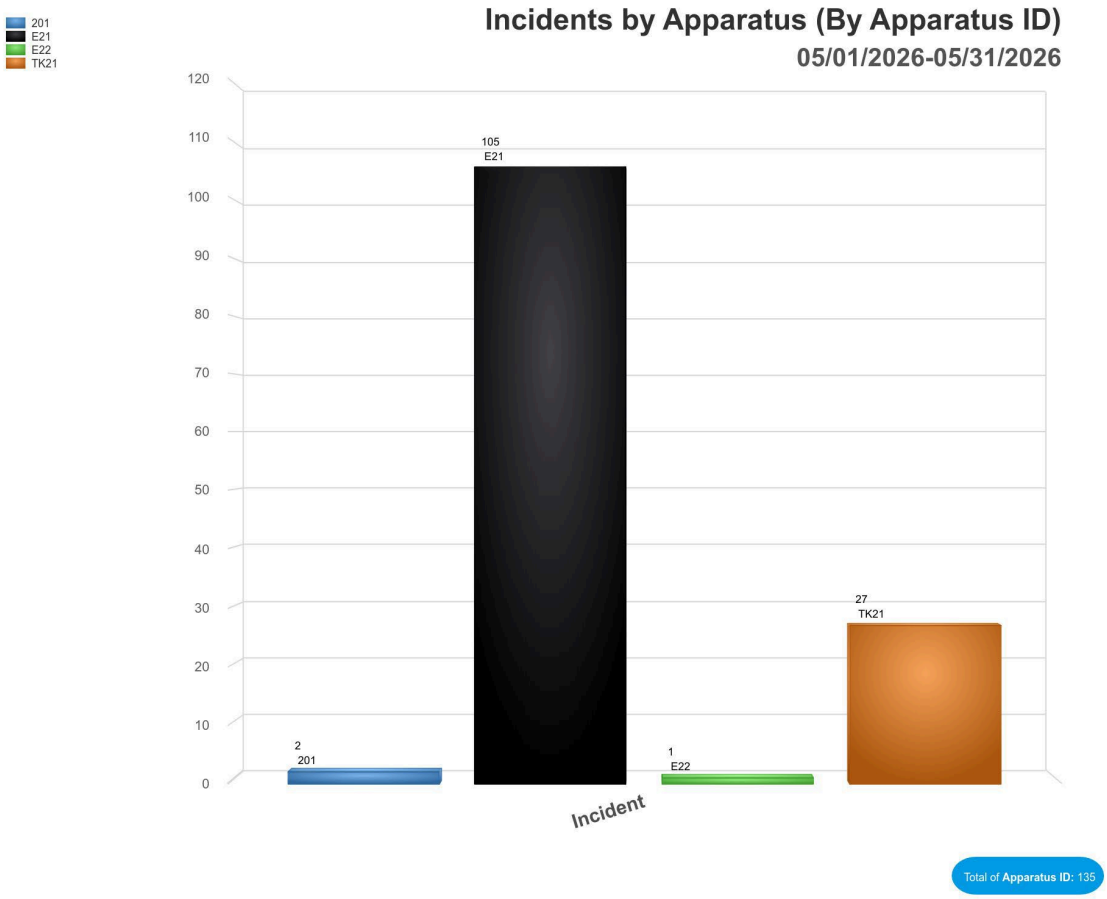
Respectfully Submitted,

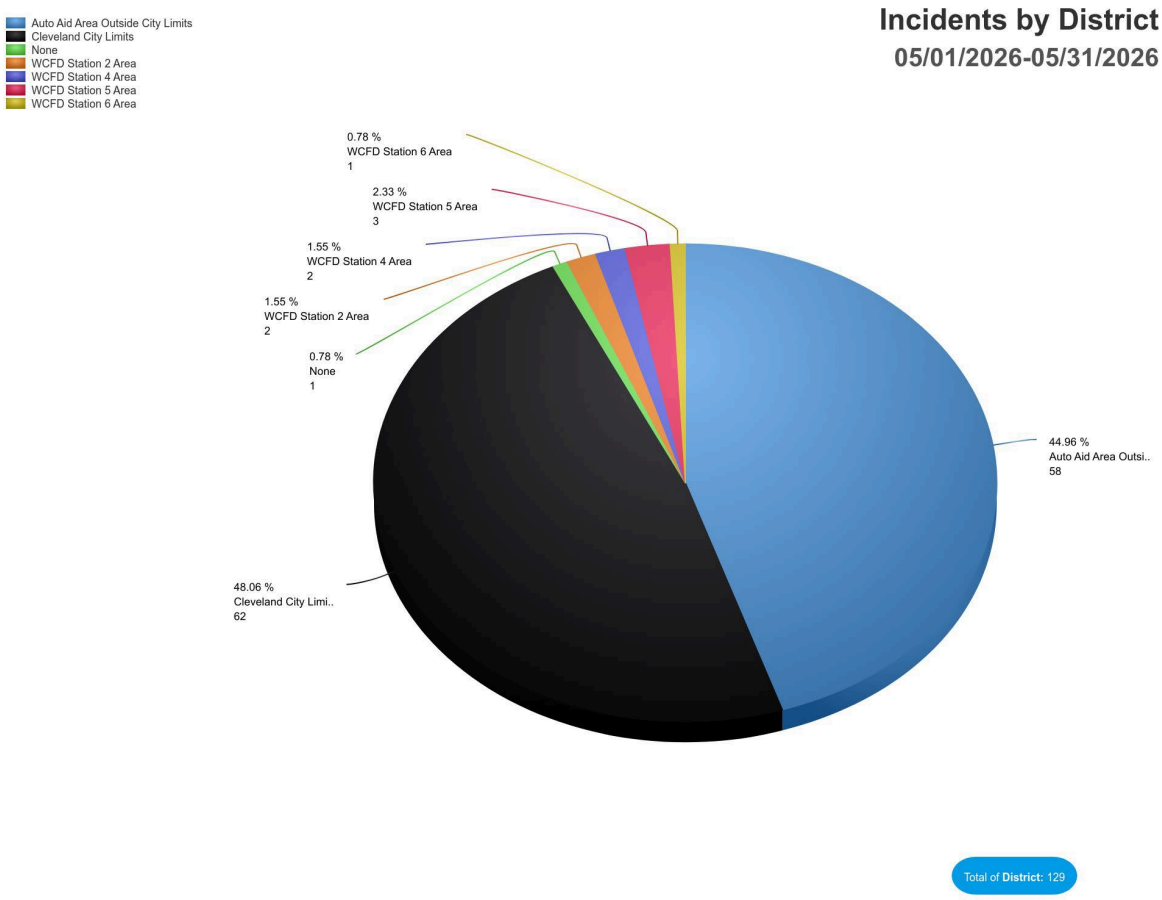
M. Jason Bryant
Fire Chief
Cleveland Fire Department
City of Cleveland, Georgia

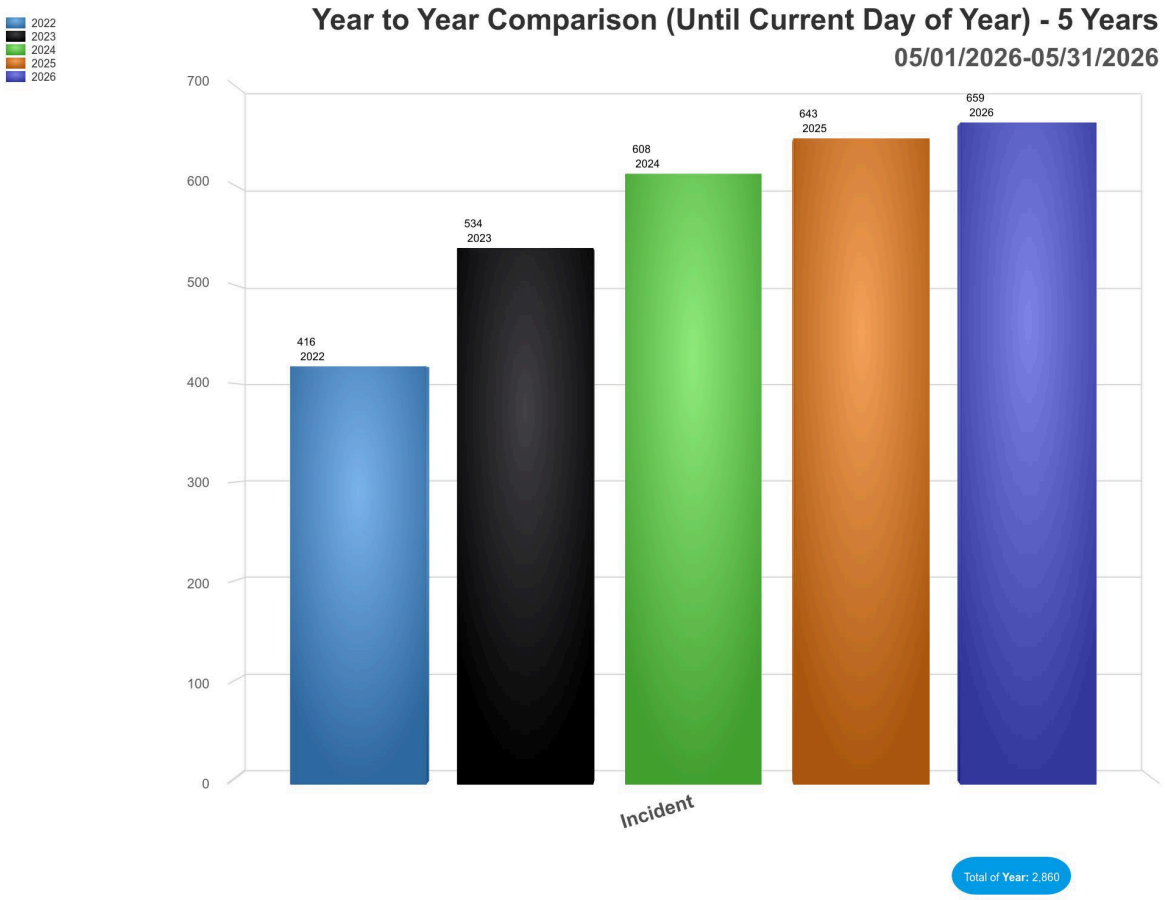
Analysis by Response Class

05/01/2026-05/31/2026




201
E21
E22
TK21
Incidents by Apparatus (By Apparatus ID)
05/01/2026-05/31/2026
120
110
100
90
80
70
60
50
40
30
20
10
0
105
E21
2
201
1
E22
27
TK21
Incident
Total of Apparatus ID: 135


Auto Aid Area Outside City Limits
Cleveland City Limits
None
WCFD Station 2 Area
WCFD Station 4 Area
WCFD Station 5 Area
WCFD Station 6 Area
Incidents by District
05/01/2026-05/31/2026
0.78 %
WCFD Station 6 Area
1
2.33 %
WCFD Station 5 Area
3
1.55 %
WCFD Station 4 Area
2
1.55 %
WCFD Station 2 Area
2
0.78 %
None
1
44.96 %
Auto Aid Area Outsi..
58
48.06 %
Cleveland City Limi..
62
Total of District: 129


2022
2023
2024
2025
2026
Year to Year Comparison (Until Current Day of Year) - 5 Years
05/01/2026-05/31/2026
700
600
500
400
300
200
100
0
416
2022
534
2023
608
2024
643
2025
659
2026
Incident
Total of Year: 2,860

Cleveland Police Department Activity Report — May-26

Community Oriented & Proactive:	May-26	May-25	YTD
Public Assist	332	412	1,616
Premise Checks	1,315	1,195	7,477
Field Interviews	13	10	46
Reporting:			
Incident Reports	37	43	213
Accident Reports	20	29	103
Investigative/Supplemental	19	16	190
Use of Force	0	0	0
Actions taken:			
Citations	103	195	478
Warnings	144	219	850
Warrants	6	7	49
Juveniles	1	1	8
Admin: Alcohol Badges, Request for Reports, CHRI	25	26	183
Total:	2,015	2,153	11,213

Car seat installs: 2

Prescription Drop Box:

May Total Arrest: 6

Citation Breakdown:

Shoplifting - 2

Theft of Lost/Mislaid Property - 1

Driver's License, Registration, & Insurance - 5

Moving violations, traffic control, etc - 36

Equipment, seatbelt, etc - 59

Arrest Breakdown:

Battery (Simple) - 1

Shoplifting - 2

Theft of Lost/Mislaid Property - 1

Traffic - 1

Warrant Executed for Anothery Agency - 1

MAY 2026 EDMUNDS WORK ORDER SUMMARY

SERVICE ORDER TYPE	
Dumpster Repair / Replace	1
Water Quality	3
Payment Agreement	2
Inspection	1
Street Repair	2
Meter Change Out	11
City Hall Office Maintenance	1
Cut Off and Lock Meter - Non Payment	29
City Park Repairs / Maintenance	1
Check for Leak	9
Final Reading - Do Not Lock	17
Garbage Request	12
Meeting With Customer	1
Final Read and Lock Meter - Disconnect	8
Garbage Request Change	3
Meter Inspection	38
Residential Turn On	25
Commercial Turn On	3
Street R-O-W Maintenance	5
Meter Readings - Monthly	2310
Meter Re-Reads - Monthly	19
Utility Locates	99
Total Number of Work Orders	**2600**

*** Prison Detail: 14 scheduled workdays completed. 1 scheduled workdays missed.**

*** Routine Sewer Lift Station Inspections: 9 Lift Stations inspected daily, 7 days a week. 279 total inspections conducted.**

*** Sanitation (Residential & Commercial): 53 loads collected; 180.41 tons of waste transported to the transfer station.**

May 2026 Work Orders

Work Order Id	Service Code	Code Description
25-00704	O59	FINAL READ AND LOCK METER- DISCONNECT
25-00709	O84	-RESIDENTIAL TURN ON
25-00710	O15	FINAL READING DO NOT LOCK
25-00893	O59	FINAL READ AND LOCK METER- DISCONNECT
25-00947	O15	FINAL READING DO NOT LOCK
25-00948	O84	-RESIDENTIAL TURN ON
25-00950	O62	STREET REPAIR
25-00951	O84	-RESIDENTIAL TURN ON
25-00952	O15	FINAL READING DO NOT LOCK
25-00953	O71	METER INSPECTION
25-00954	O71	METER INSPECTION
25-00955	O84	-RESIDENTIAL TURN ON
25-00956	O15	FINAL READING DO NOT LOCK
25-00957	O94	CITY PARK REPAIRS/MAINT
25-00958	O85	-COMMERCIAL TURN ON
25-00959	O16	GARBAGE REQUEST
25-00960	O59	FINAL READ AND LOCK METER- DISCONNECT
25-00961	O59	FINAL READ AND LOCK METER- DISCONNECT
25-00962	O16	GARBAGE REQUEST
25-00963	O15	FINAL READING DO NOT LOCK
25-00964	O16	GARBAGE REQUEST
25-00966	O84	-RESIDENTIAL TURN ON
25-00967	O84	-RESIDENTIAL TURN ON
25-00968	O15	FINAL READING DO NOT LOCK
25-00969	O04	WATER QUALITY
25-00970	O84	-RESIDENTIAL TURN ON
25-00971	O04	WATER QUALITY
25-00972	O98	STREET R-O-W MAINTENANCE
25-00973	O51	MEETING WITH CUSTOMER
25-00974	O98	STREET R-O-W MAINTENANCE
25-00975	O62	STREET REPAIR
25-00976	O85	-COMMERCIAL TURN ON

25-00977	O71	METER INSPECTION
25-00978	O16	GARBAGE REQUEST
25-00979	O84	-RESIDENTIAL TURN ON
25-00980	O84	-RESIDENTIAL TURN ON
25-00981	O15	FINAL READING DO NOT LOCK
25-00982	O84	-RESIDENTIAL TURN ON
25-00983	O15	FINAL READING DO NOT LOCK
25-00984	O84	-RESIDENTIAL TURN ON
25-00985	O84	-RESIDENTIAL TURN ON
25-00986	O15	FINAL READING DO NOT LOCK
25-00987	O15	FINAL READING DO NOT LOCK
25-00988	O84	-RESIDENTIAL TURN ON
25-00989	O11	CHECK FOR LEAK
25-00990	O11	CHECK FOR LEAK
25-00992	O16	GARBAGE REQUEST
25-00996	O16	GARBAGE REQUEST
25-00998	O84	-RESIDENTIAL TURN ON
25-00999	O15	FINAL READING DO NOT LOCK
25-01000	O84	-RESIDENTIAL TURN ON
25-01001	O60	PAYMENT AGREEMENT
25-01002	O05	METER CHANGE OUT
25-01003	O05	METER CHANGE OUT
25-01004	O98	STREET R-O-W MAINTENANCE
25-01005	O16	GARBAGE REQUEST
25-01006	O71	METER INSPECTION
25-01007	O71	METER INSPECTION
25-01008	O71	METER INSPECTION
25-01009	O71	METER INSPECTION
25-01010	O71	METER INSPECTION
25-01011	O71	METER INSPECTION
25-01012	O71	METER INSPECTION
25-01013	O71	METER INSPECTION
25-01014	O71	METER INSPECTION

25-01015	O71	METER INSPECTION
25-01016	O60	PAYMENT AGREEMENT
25-01017	O71	METER INSPECTION
25-01018	O71	METER INSPECTION
25-01019	O71	METER INSPECTION
25-01020	O71	METER INSPECTION
25-01021	O71	METER INSPECTION
25-01022	O71	METER INSPECTION
25-01023	O15	FINAL READING DO NOT LOCK
25-01024	O71	METER INSPECTION
25-01025	O84	-RESIDENTIAL TURN ON
25-01026	O15	FINAL READING DO NOT LOCK
25-01027	O84	-RESIDENTIAL TURN ON
25-01028	O19	INSPECTION
25-01031	O15	FINAL READING DO NOT LOCK
25-01032	O71	METER INSPECTION
25-01033	O15	FINAL READING DO NOT LOCK
25-01034	O71	METER INSPECTION
25-01035	O11	CHECK FOR LEAK
25-01036	O11	CHECK FOR LEAK
25-01037	O84	-RESIDENTIAL TURN ON
25-01038	O71	METER INSPECTION
25-01039	O71	METER INSPECTION
25-01040	O84	-RESIDENTIAL TURN ON
25-01041	O15	FINAL READING DO NOT LOCK
25-01042	O71	METER INSPECTION
25-01043	O16	GARBAGE REQUEST
25-01044	O71	METER INSPECTION
25-01045	O21	RE-READS
25-01046	O21	RE-READS
25-01047	O21	RE-READS
25-01048	O21	RE-READS
25-01049	O21	RE-READS

25-01050	O21	RE-READS
25-01051	O21	RE-READS
25-01053	O21	RE-READS
25-01054	O04	WATER QUALITY
25-01055	O98	STREET R-O-W MAINTENANCE
25-01056	O71	METER INSPECTION
25-01057	O05	METER CHANGE OUT
25-01058	O21	RE-READS
25-01059	O21	RE-READS
25-01060	O21	RE-READS
25-01061	O21	RE-READS
25-01063	O21	RE-READS
25-01064	O21	RE-READS
25-01065	O21	RE-READS
25-01066	O21	RE-READS
25-01067	O21	RE-READS
25-01068	O21	RE-READS
25-01069	O21	RE-READS
25-01070	O84	-RESIDENTIAL TURN ON
25-01071	O15	FINAL READING DO NOT LOCK
25-01072	O71	METER INSPECTION
25-01073	O71	METER INSPECTION
25-01074	O09	DUMPSTER REPAIR/REPLACE
25-01075	O16	GARBAGE REQUEST
25-01077	O29	CUT OFF AND LOCK METER- NON PAYMENT
25-01078	O71	METER INSPECTION
25-01079	O11	CHECK FOR LEAK
25-01080	O11	CHECK FOR LEAK
25-01081	O71	METER INSPECTION
25-01082	O84	-RESIDENTIAL TURN ON
25-01083	O84	-RESIDENTIAL TURN ON
25-01084	O85	-COMMERCIAL TURN ON
25-01085	O71	METER INSPECTION

25-01086	O71	METER INSPECTION
25-01087	O11	CHECK FOR LEAK
25-01088	O71	METER INSPECTION
25-01089	O11	CHECK FOR LEAK
25-01090	O11	CHECK FOR LEAK
25-01091	O59	FINAL READ AND LOCK METER- DISCONNECT
25-01092	O05	METER CHANGE OUT
25-01093	O05	METER CHANGE OUT
25-01094	O05	METER CHANGE OUT
25-01095	O05	METER CHANGE OUT
25-01096	O05	METER CHANGE OUT
25-01097	O05	METER CHANGE OUT
25-01098	O05	METER CHANGE OUT
25-01099	O05	METER CHANGE OUT
25-01100	O16	GARBAGE REQUEST
25-01101	O84	-RESIDENTIAL TURN ON
25-01102	O84	-RESIDENTIAL TURN ON
25-01103	O16	GARBAGE REQUEST
25-01104	O40	GARBAGE REQUEST CHANGE
25-01105	O40	GARBAGE REQUEST CHANGE
25-01106	O59	FINAL READ AND LOCK METER- DISCONNECT
25-01107	O59	FINAL READ AND LOCK METER- DISCONNECT
25-01109	O71	METER INSPECTION
25-01112	O71	METER INSPECTION
25-01113	O29	CUT OFF AND LOCK METER- NON PAYMENT
25-01114	O98	STREET R-O-W MAINTENANCE
25-01115	O40	GARBAGE REQUEST CHANGE
25-01116	O16	GARBAGE REQUEST
25-01117	O71	METER INSPECTION
25-01118	O59	FINAL READ AND LOCK METER- DISCONNECT
25-01119	O07	CITY HALL OFFICE MAINTENANCE
25-01122	O71	METER INSPECTION
25-01123	O84	-RESIDENTIAL TURN ON

25-01154	O29	CUT OFF AND LOCK METER- NON PAYMENT
25-01155	OA2	METER READINGS - MONTHLY
25-01156	OA4	UTILITY LOCATES

99 May 2026 Locates

Number	ticketType	respondBy	facilityList	workStreet	creation	lastActionDate
260501-002750	Normal	5/5/2026 23:59	Water	182 POST RD	5/1/2026 11:07	5/21/2026 9:25
260501-003328	Normal	5/5/2026 23:59	Water	369 Partin Rd	5/1/2026 12:43	5/4/2026 15:51
260501-003328	Normal	5/5/2026 23:59	Sewer	369 Partin Rd	5/1/2026 12:43	5/4/2026 15:51
260505-006344	Normal	5/10/2026 23:59	Water	195 E KYTLE ST	5/5/2026 16:53	5/6/2026 9:28
260505-006344	Normal	5/10/2026 23:59	Sewer	195 E KYTLE ST	5/5/2026 16:53	5/6/2026 9:28
260505-006382	Normal	5/10/2026 23:59	Water	129 W KYTLE ST	5/5/2026 17:04	5/6/2026 9:28
260505-006382	Normal	5/10/2026 23:59	Sewer	129 W KYTLE ST	5/5/2026 17:04	5/6/2026 9:28
260506-002093	Normal	5/10/2026 23:59	Water	205 STATON RD	5/6/2026 9:08	5/6/2026 13:59
260506-002104	Normal	5/10/2026 23:59	Sewer	808 CAMPBELL ST	5/6/2026 9:09	5/6/2026 10:09
260506-002104	Normal	5/10/2026 23:59	Water	808 CAMPBELL ST	5/6/2026 9:09	5/6/2026 10:09
260506-002108	Normal	5/10/2026 23:59	Water	896 CAMPBELL ST	5/6/2026 9:10	5/6/2026 13:59
260506-002108	Normal	5/10/2026 23:59	Sewer	896 CAMPBELL ST	5/6/2026 9:10	5/6/2026 13:59
260506-002112	Normal	5/10/2026 23:59	Water	65 SUNRISE LN	5/6/2026 9:10	5/7/2026 13:55
260506-002112	Normal	5/10/2026 23:59	Sewer	65 SUNRISE LN	5/6/2026 9:10	5/7/2026 13:55
260506-003417	Normal	5/10/2026 23:59	Water	826 N MAIN ST	5/6/2026 11:22	5/6/2026 14:00
260506-003417	Normal	5/10/2026 23:59	Sewer	826 N MAIN ST	5/6/2026 11:22	5/6/2026 14:00
260506-006366	Normal	5/11/2026 23:59	Water	53 Windy Hills Rd	5/6/2026 20:50	5/7/2026 12:27
260506-006367	Normal	5/11/2026 23:59	Water	437 Asbestos Rd	5/6/2026 20:52	5/7/2026 12:27
260506-006370	Normal	5/11/2026 23:59	Water	152 Stonebrook Trl	5/6/2026 20:54	5/7/2026 12:28
260508-001279	Normal	5/12/2026 23:59	Water	558 CLAUD SIMS ROAD	5/8/2026 7:51	5/11/2026 10:02
260508-003464	Normal	5/12/2026 23:59	Water	610 E kytle st	5/8/2026 12:39	5/11/2026 10:00
260508-003464	Normal	5/12/2026 23:59	Sewer	610 E kytle st	5/8/2026 12:39	5/11/2026 10:00
260508-004465	Normal	5/12/2026 23:59	Water	434 THUNDER RIDGE DR	5/8/2026 15:20	5/14/2026 12:17
260508-004465	Normal	5/12/2026 23:59	Sewer	434 THUNDER RIDGE DR	5/8/2026 15:20	5/14/2026 12:17
260508-004507	Emergency	5/12/2026 23:59	Sewer	164 DOGWOOD LN	5/8/2026 15:30	5/8/2026 15:35
260508-004507	Emergency	5/12/2026 23:59	Water	164 DOGWOOD LN	5/8/2026 15:30	5/8/2026 15:34
260508-004510	Normal	5/12/2026 23:59	Sewer	164 DOGWOOD LN	5/8/2026 15:31	5/11/2026 10:03
260508-004510	Normal	5/12/2026 23:59	Water	164 DOGWOOD LN	5/8/2026 15:31	5/11/2026 10:03
260511-002311	Emergency	5/13/2026 23:59	Water	101 PELICAN DR	5/11/2026 9:17	5/11/2026 10:00
260511-003473	Normal	5/17/2026 23:59	Water	855 Old 75 South	5/11/2026 10:52	5/11/2026 14:06
260513-001620	Normal	5/17/2026 23:59	Water	166 WILFORD ASH SR PKWY	5/13/2026 8:24	5/13/2026 9:09
260513-001620	Normal	5/17/2026 23:59	Sewer	166 WILFORD ASH SR PKWY	5/13/2026 8:24	5/13/2026 9:09

260513-002748	Normal	5/17/2026 23:59	Water	75 CLARA BELL DR	5/13/2026 10:08	5/13/2026 16:57
260513-002748	Normal	5/17/2026 23:59	Sewer	75 CLARA BELL DR	5/13/2026 10:08	5/13/2026 16:57
260513-002764	Normal	5/17/2026 23:59	Water	26 MISTY LN	5/13/2026 10:09	5/13/2026 16:57
260513-002764	Normal	5/17/2026 23:59	Sewer	26 MISTY LN	5/13/2026 10:09	5/13/2026 16:57
260513-003072	Normal	5/20/2026 23:59	Water	18 WOODMAN HALL RD	5/13/2026 10:35	5/13/2026 16:57
260513-003072	Normal	5/20/2026 23:59	Sewer	18 WOODMAN HALL RD	5/13/2026 10:35	5/13/2026 16:57
260513-003109	Normal	5/17/2026 23:59	Water	67 Helton Rd	5/13/2026 10:38	5/13/2026 16:57
260513-003109	Normal	5/17/2026 23:59	Sewer	67 Helton Rd	5/13/2026 10:38	5/13/2026 16:57
260513-006370	Emergency	5/18/2026 23:59	Water	150 HARDWOOD DR	5/13/2026 16:35	5/13/2026 16:54
260513-006370	Emergency	5/18/2026 23:59	Sewer	150 HARDWOOD DR	5/13/2026 16:35	5/13/2026 16:54
260513-006373	Normal	5/18/2026 23:59	Water	150 HARDWOOD DR	5/13/2026 16:36	5/13/2026 16:59
260513-006373	Normal	5/18/2026 23:59	Sewer	150 HARDWOOD DR	5/13/2026 16:36	5/13/2026 16:59
260514-001811	Normal	5/18/2026 23:59	Water	401 POINTE WILLOW DR	5/14/2026 8:38	5/14/2026 12:53
260514-003244	Normal	5/18/2026 23:59	Water	52 Pelican Dr	5/14/2026 10:51	5/14/2026 12:53
260514-003264	Normal	5/18/2026 23:59	Water	179 Garrison Dr	5/14/2026 10:53	5/14/2026 12:52
260514-003948	Normal	5/18/2026 23:59	Water	434 THUNDER RIDGE DR	5/14/2026 12:16	5/14/2026 13:17
260514-003948	Normal	5/18/2026 23:59	Sewer	434 THUNDER RIDGE DR	5/14/2026 12:16	5/14/2026 13:17
260515-003426	Normal	5/19/2026 23:59	Water	320 ASBESTOS RD	5/15/2026 12:38	5/18/2026 10:00
260518-002395	Normal	5/21/2026 23:59	Sewer	142 grand view dr	5/18/2026 9:51	5/18/2026 10:33
260518-002395	Normal	5/21/2026 23:59	Water	142 grand view dr	5/18/2026 9:51	5/18/2026 10:33
260518-003346	Normal	5/20/2026 23:59	Water	182 POST RD	5/18/2026 11:05	5/19/2026 10:45
260518-006382	Normal	5/20/2026 23:59	Sewer	896 Campbell St; Apt C1	5/18/2026 15:50	5/19/2026 10:46
260518-006382	Normal	5/20/2026 23:59	Water	896 Campbell St; Apt C1	5/18/2026 15:50	5/19/2026 10:46
260518-006847	Normal	5/21/2026 23:59	Sewer	189 Tradewinds Rd	5/18/2026 16:43	5/19/2026 10:46
260518-006847	Normal	5/21/2026 23:59	Water	189 Tradewinds Rd	5/18/2026 16:43	5/19/2026 10:46
260519-003995	Emergency	5/21/2026 23:59	Sewer	US-129 S	5/19/2026 13:05	5/19/2026 14:17
260519-003995	Emergency	5/21/2026 23:59	Water	US-129 S	5/19/2026 13:05	5/19/2026 14:17
260520-005177	Normal	5/25/2026 23:59	Sewer	100 ALUMNI DR	5/20/2026 13:59	5/21/2026 13:14
260520-005177	Normal	5/25/2026 23:59	Water	100 ALUMNI DR	5/20/2026 13:59	5/21/2026 13:14
260520-006469	Normal	5/26/2026 23:59	Sewer	E KYTLE ST	5/20/2026 16:52	5/21/2026 13:13
260520-006469	Normal	5/26/2026 23:59	Water	E KYTLE ST	5/20/2026 16:52	5/21/2026 13:13
260520-006632	Emergency	5/26/2026 23:59	Water	338 Morningside Dr	5/20/2026 18:29	5/21/2026 12:06
260521-002856	Normal	5/26/2026 23:59	Sewer	720 S Laceola Rd	5/21/2026 10:49	5/21/2026 13:14

260521-002856	Normal	5/26/2026 23:59	Water	720 S Laceola Rd	5/21/2026 10:49	5/21/2026 13:14
260522-003848	Normal	5/27/2026 23:59	Sewer	91 Ridgewood Dr	5/22/2026 13:47	5/26/2026 12:30
260522-003848	Normal	5/27/2026 23:59	Water	91 Ridgewood Dr	5/22/2026 13:47	5/26/2026 12:30
260522-004079	Normal	5/27/2026 23:59	Sewer	133 MOSSY TRL	5/22/2026 14:26	5/26/2026 12:28
260522-004079	Normal	5/27/2026 23:59	Water	133 MOSSY TRL	5/22/2026 14:26	5/26/2026 12:28
260522-004099	Normal	5/27/2026 23:59	Sewer	124 THE PINES RD	5/22/2026 14:29	5/26/2026 12:28
260522-004099	Normal	5/27/2026 23:59	Water	124 THE PINES RD	5/22/2026 14:29	5/26/2026 12:28
260525-001986	Emergency	5/28/2026 23:59	Water	174 Mobile Home Drive	5/25/2026 15:42	5/26/2026 7:55
260525-001986	Emergency	5/28/2026 23:59	Sewer	174 Mobile Home Drive	5/25/2026 15:42	5/26/2026 7:55
260526-001541	Normal	5/28/2026 23:59	Water	155 RIDGEWOOD DR	5/26/2026 8:24	5/26/2026 12:27
260526-001541	Normal	5/28/2026 23:59	Sewer	155 RIDGEWOOD DR	5/26/2026 8:24	5/26/2026 12:27
260526-002170	Normal	5/28/2026 23:59	Water	396 THUNDER RIDGE DR	5/26/2026 9:23	5/26/2026 12:27
260526-002170	Normal	5/28/2026 23:59	Sewer	396 THUNDER RIDGE DR	5/26/2026 9:23	5/26/2026 12:27
260526-002697	Normal	5/28/2026 23:59	Water	158 Jackson Cir	5/26/2026 10:15	5/26/2026 12:28
260526-002697	Normal	5/28/2026 23:59	Sewer	158 Jackson Cir	5/26/2026 10:15	5/26/2026 12:28
260526-002934	Normal	5/31/2026 23:59	Water	132 CLEARVIEW DR	5/26/2026 10:35	5/26/2026 12:28
260526-004517	Normal	5/31/2026 23:59	Water	132 CLEARVIEW DR	5/26/2026 13:17	5/26/2026 15:35
260526-006298	Normal	5/31/2026 23:59	Water	11 JACOBS DR	5/26/2026 17:00	5/27/2026 9:50
260526-006298	Normal	5/31/2026 23:59	Sewer	11 JACOBS DR	5/26/2026 17:00	5/27/2026 9:50
260527-002885	Normal	5/31/2026 23:59	Water	35 Woodlawn Dr	5/27/2026 10:52	5/27/2026 12:41
260527-002885	Normal	5/31/2026 23:59	Sewer	35 Woodlawn Dr	5/27/2026 10:52	5/27/2026 12:41
260527-004008	Normal	6/2/2026 23:59	Water	286 S MAIN ST	5/27/2026 12:40	5/27/2026 14:33
260527-004008	Normal	6/2/2026 23:59	Sewer	286 S MAIN ST	5/27/2026 12:40	5/27/2026 14:33
260527-004175	Normal	5/31/2026 23:59	Water	1314 OLD BLUE CREEK RD	5/27/2026 13:02	5/27/2026 17:16
260527-004175	Normal	5/31/2026 23:59	Sewer	1314 OLD BLUE CREEK RD	5/27/2026 13:02	5/27/2026 17:16
260527-004191	Normal	5/31/2026 23:59	Water	991 S MAIN ST	5/27/2026 13:05	5/27/2026 14:33
260527-004191	Normal	5/31/2026 23:59	Sewer	991 S MAIN ST	5/27/2026 13:05	5/27/2026 14:33
260527-004315	Normal	5/31/2026 23:59	Water	1764 HIGHWAY 129 S	5/27/2026 13:18	5/27/2026 14:33
260527-004315	Normal	5/31/2026 23:59	Sewer	1764 HIGHWAY 129 S	5/27/2026 13:18	5/27/2026 14:33
260527-006170	Normal	6/1/2026 23:59	Sewer	708 S MAIN STREET	5/27/2026 16:43	5/28/2026 13:35
260527-006170	Normal	6/1/2026 23:59	Water	708 S MAIN STREET	5/27/2026 16:43	5/28/2026 13:35
260528-002130	Normal	6/1/2026 23:59	Water	40 WILLOWS CT	5/28/2026 9:19	5/28/2026 13:35
260528-005716	Emergency	6/1/2026 23:59	Water	294 Dogwood Lane	5/28/2026 16:14	5/29/2026 8:52

260529-005219	Normal	6/2/2026 23:59	Water	338 MORNINGSIDE DRIVE	5/29/2026 16:25	6/2/2026 8:42

MONTHLY REPORT

From the Water Resources Department

Bradley Filaski

May 2026

Water Treatment

- Our city wells produced 16.4 MG.
- Purchased 5.8 MG from the County.
- Flushed 2 hydrants for water quality.
- Performed 195 laboratory tests on drinking water.
- Collected and shipped all required samples for the month to EPD's lab.
- Submitted all Monthly Operating Reports to EPD.
- Issued 2 boil water advisories to EPD.
- The water loss was 23.8%.
- Prepared the 2026 Consumer Confidence Report.
- Responded to 3 water quality work orders.

Water Reclamation

- Discharged 14.3 MG of treated effluent into the Tesnatee Creek.
- Performed 108 laboratory tests on the influent and effluent wastewater.
- Cleaned all UV lamps.
- Submitted the Discharge Monitoring Report to EPD.
- Filled potholes with gravel on the road around the pond.
- Greased blowers and cleaned air filters.

Industrial Pretreatment

- Reviewed Cobb-Vantress and NOK Self-Monitoring Reports.

RESOLUTION 2026-07
A RESOLUTION ADOPTING THE MASTER FEE SCHEDULE FOR THE CITY OF CLEVELAND, GA

WHEREAS, the City of Cleveland has adopted a Code of Ordinances that authorizes the assessment and collection of fees, fines, charges, permit costs, license fees, administrative costs, penalties, and other monetary amounts; and

WHEREAS, Ordinance No. щнщр-чшadopted and enacted a new Code of Ordinances for the City of Cleveland, Georgia, repealing and replacing the former Code in its entirety, and provides that such fees, fines, charges, permit costs, license fees, penalties, and other monetary amounts shall be established and amended from time to time by the Mayor and Council through a fee schedule maintained separately from the Code of Ordinances; and

WHEREAS, the Mayor and Council find that maintaining a consolidated Master Fee Schedule promotes eк cient administration, transparency, public accessibility, fiscal responsibility, and the ability to adjust fees through public action without requiring amendment of the Code of Ordinances;

WHEREAS, the Mayor and Council find that establishing such amounts in a separate fee schedule promotes eк cient administration, transparency, fiscal responsibility, and public accessibility; and

WHEREAS, concerns remain regarding the long-term health eйects of vaping, exposure to chemicals contained in vaping products, and the potential for flavored products to increase youth access and use; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cleveland, Georgia, that the City of Cleveland Master Fee Schedule, attached hereto as Exhibit A, is hereby adopted and shall serve as the oк cial schedule of fees, fines, charges, rates, permit costs, license fees, administrative fees, penalties, service charges, and other monetary amounts authorized by the City Code, state law, or other duly adopted ordinances, resolutions, or regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City shall make the Fee Schedule available on the City's oк cial website and the City Clerk shall maintain the current Fee Schedule and all amendments thereto for public inspection during normal business hours at City Hall.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this Resolution shall become eйective immediately upon its adoption by the Mayor and Council.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, fee, charge, rate, or provision of this Resolution or the Fee Schedule attached as Exhibit A is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not aйect the validity or enforceability of the remaining portions of this Resolution or Fee Schedule, which shall remain in full force and eйect.

RESOLVED this шьth day of June, щнщр.

_____ _____

Josh Turner	Mayor	Jeremy McClure	Council Member District 3
_____		_____	
Nan Bowen	Council Member District 1 Mayor Pro Tem	C.J. McDonald	Council Member District 4
		ATTEST:	
_____		_____	
Annie Sutton	Council Member District 2	Lisa A. Ritchie	City Clerk

EXHIBIT A

CITY OF CLEVELAND, GEORGIA

MASTER FEE SCHEDULE

CHAPTER 2-DEBT COLLECTION LIABILITY

Individual damages up to $1,000
Class actions up to $500,000 or 1% net worth

CHAPTER 4-ALCOHOLIC BEVERAGES

ARTICLE VI. LICENSE FEES

Sec. 4-6-1. Alcohol License Fee Schedule

(1) On-premises malt beverages and wine — $2,600.00
(2) On-premises wine only — $1,300.00
(3) On-premises malt beverages only — $1,300.00
(4) Outdoor golf course permit — $150.00
(5) Civic nonprofit event permit — $50.00
(6) Brewpub license — $250.00
(7) Alcohol caterer permit — $150.00
(8) Special events facility license — $1,500.00
(9) Special events vendor permit — $150.00
(10) Performing arts / specialty gift shop — $200.00
(11) Wine tasting room — $100.00
(12) Package malt beverage license — $1,300.00
(13) Package wine license — $1,300.00
(14) Distilled spirits on-premises — $2,600.00
(15) Package distilled spirits — $5,000.00 + required bond
(16) Application fee — $250.00
(17) Amendment fee — $150.00
(18) General permit — $150.00
(19) Caterer off-premises permit — $50.00
(20) External jurisdiction permit — $150.00

CHAPTER 6 – AMUSEMENTS AND ENTERTAINMENT

- Permit application fee--TBD
- Annual Adult entertainment annual license — $1,500.00
- Notice of intended employment investigation and permit-$300.00

CHAPTER 10 – BUILDINGS AND BUILDING REGULATIONS

BUILDING PERMIT FEES 10-257

Effective Dates:	(7/1/25-6/30/26)	
Residential (Type A)		
New Construction		
Base	$	350.00
additional per Heated Sq. ft	$	0.20
additional per Unheated Sq ft	$	0.15
Certificate of Occupancy	$	60.00
C/O multi family unit	$	30.00
Re-Inspection (1st time fail)	$	65.00
Re-Inspection (2nd & succeeding)	$	100.00

Remodel/Additions (Type B&C)		
Base w/o electrical or plumbing	$	50.00
Base w/ electrical & plumbing	$	80.00
additional per Square foot	$	0.20
Per inspection over 3	$	50.00
Certificate of Occupancy	$	45.00

Utility Buildings, porches, decks (Type D)		
Base	$	45.00
Additional if with electric & plumbing	$	50.00
Certificate of Occupancy	$	25.00

Swimming Pools (Type E)		
Base	$	40.00

Moving Home or Building (Type F)		
Base	$	650.00
Type B, C, or G may also apply		

Manufactured /mobile homes (Type G)		
Base	$	275.00
additional per square foot	$	0.20
Per Inspection over 3	$	60.00
Certificate of Occupancy	$	60.00

Demolition Permits (Type H)		
Base, if building permit issued for repl.)	$	50.00
Base if no other permit issued	$	75.00

Roof Shingles (porches, decks, carports)	$	70.00

COMMERICAL (New & Renovation)		
Base	$	200.00
additional per Heated square foot	$	0.40
additional per unheated square foot	$	0.25
Certificate of Occupancy/Completion	$	150.00

Inspection Service Charge **Elec., HVAC., plumbing, ADA - No const.**		
Residential - each	$	65.00
Commercial - each	$	120.00

LAND DISTURBING **Less than 5 acres**		
Base	$	100.00
additional cost per acre	+$50/ac	
5 to 25 acres		
Base	$	325.00
additional cost per acre	+$50/ac	
25 or more acres		
Base	$	350.00
additional cost per acre over 25 acres	+$20/ac	
Upper Chattahoochee Soil District Fee	$	25.00

Plan review fees		
Civil/site plans	$	500.00
Architectural plan	$	500.00

Other fees

Temporary Variance $25.00 fee

Stop work order violation — $100.00 per occurrence

Mobile / Manufactured Housing

- Base permit — $275.00
- Initial inspection - $0.20 per square foot
- Additional inspections — over three (3) $60.00 each
- Certificate of Occupancy - $60.00

If outside the City:

- Mobile home inspection $500 + mileage (federal rate)
- Reinspection mileage
- Extra inspection $500 + mileage (federal rate)

CHAPTER 12 – BUSINESS REGULATION AND LICENSING

Occupational tax license — tiered employee schedule

12-181

Number of Employees	Fee	Number of Employees	Fee
0—1	$100.00	10.1—15	$350.00
1.1—2	$125.00	15.1—20	$375.00
2.1—3	$150.00	20.1—25	$400.00
3.1—4	$175.00	25.1—30	$425.00
4.1—5	$200.00	30.1—35	$450.00
5.1—6	$225.00	35.1—40	$475.00
6.1—7	$250.00	40.1—45	$500.00
7.1—8	$275.00	45.1—50	$525.00
8.1—9	$300.00	50.1 and over	$550.00
9.1—10	$325.00		

Code Section	Description	Amount
12-286	Insurer license fee (i.e., Life Insurance)	$40.00 annually
12-287	Administrative license fee	$10.00
12-289	Penalties for payments received after April 1	10% for first month delinquent 1% for every month after
	Regulated business	
	Bad check fee - applies to all fees, fines, and other charges	$25.00

- Short-term rentals
  - Application $250.00
  - Annual Renewal $100.00

CHAPTER 16 – COURTS AND COSTS

- Court cost surcharge — statutory
- CSI/RMS fee — $12.00 per citation
- Technology fee — $10.00 per fine
- Law library fee — up to $5.00 per case
- State mandated surcharges — as applicable under O.C.G.A.

Code References

Official Code Reference	Beneficiary Fund	Application/Calculation
O.C.G.A. § 47-17-60	POABF Peace Officers' Annuity and Benefit Fund	$3.00 if fine is $4.00—25.00; $4.00 if fine is $26.00—50.00; $5.00 if fine is $51.00—100.00; 5% if fine is $101.00 +

O.C.G.A. § 15-21-179(a)	DETF Joshua's Law Driver's Education and Training Fund	5% of fine
O.C.G.A. § 15-21- 73(a)(1)(A)	POPTF-A Peace Officer and Prosecutor Training Fund	10% of fine up to $50.00
O.C.G.A. § 15-21- 73(a)(1)(B)	POPTF-B Indigent Defense Fund	10% of fine amount
O.C.G.A. § 15-21A-6(e)	IDAF Indigent Defense Application Fee Fund	$50.00 application fee
O.C.G.A. §§ 15-21-90—15- v21-95	JAIL County Jail Fund	10% of fine amount
O.C.G.A. §§ 15-21-130—15- 21-134	LVAP Local Victim Assistance Program	5% of fine amount
O.C.G.A. § 35-15-9	LL County Law Library	Up to $5.00 per case - all docketed matters amount determined locally
	COURT COST	10% of fine amount
	CSI/RMS Court/Police Software	$12.00 per citation
O.C.G.A. §§ 15-21-110—15- 21-115	CVEF Crime Victim Emergency Fund	10% of DUI fine up to $25.00
O.C.G.A. §§ 15-21-100, 15- 21-101	DATE Drug Abuse Treatment and Education Fund	50% of Drug fine
O.C.G.A. § 42-8-34	SGF State General Fund	$25.00 per DUI or Drug Charge
O.C.G.A. §§ 15-21-140—15- 21-152	BSITF Brain and Spinal Injury Trust Fund	10% of DUI fine amount
O.C.G.A. § 40-6-391	PHOTO DUI Photo Publication	$25.00 on all 2nd and subsequent DUIs

O.C.G.A. § 42-8-34	SGF State General Fund	$25.00 per DUI or misdemeanor marijuana
O.C.G.A. §§ 15-21-100, 15-21-101	DATE Drug Abuse Treatment and Education	50% of drug fine
	TECH Technology Fund	$10.00 per fine

POABF (Peace Officers' Annuity and Benefit Fund): This fund pays to the state and helps pay police officer's retirement but, only if they are a member of the POAB and pay into the fund monthly themselves.

DETF (Joshua's Law Driver's Education and Training Fund): This fund is paid to the state to help fund driver's education in the schools. At this time the county does not have a state funded driver's education program.

POPTF (POPTF-A) (Peace Officer and Prosecutor Training Fund): This fund is paid to the state to fund educational classes for law enforcement and prosecutors.

IDF (POPTF-B) (Indigent Defense Fund): This fund pays for the state to supply to the counties public defenders. Although municipalities contribute to the indigent defense fund, the city is left to pay for its own public defender.

IDAF (Indigent Defense Application Fee Fund): IDAF fund is an application fee that is paid when someone pays for a public defender. The city keeps this money if it is determined that the person can afford to pay the fee, if not the fee can be waived or added to the fine if the person is found guilty.

JAIL (County Jail Fund Jail Fund): This fund goes to the county to help maintain the jail although the city pays for boarding anyone that is arrested by the city police department. The additional boarding fee is paid from the city's general fund, but may be paid back through restitution by the arrested person.

LVAP (Local Victim Assistance Program): Local Victim Assistance Program goes to the county to help support community programs for battered women and children, etc.

LL (County Law Library): The Law Library goes to the county and supports the county Law Library which everyone has access to.

Court Cost: Court cost is only one of two funds that the city retains.

Tech Fee (Technology): Technology fee is the second portion of the fine that the city keeps. This fee is used for the purchase and maintenance of technical equipment for the police.

CSI (Court/Police Software): CSI helps pay for the court and police department records information systems.

CVEF (Crime Victim Emergency Fund): Crime Victims Emergency Fund goes to the state to help victims of DUI.

DATE (Drug Abuse Treatment and Education Fund): This fund goes to the state to fund drug awareness in the schools and communities of this state.

SGF (State General Fund): This fund goes to the state to help pay for the war on drugs and the GBI Crime Lab.

BSITF (Brain and Spinal Injury Trust Fund): Brain and Spinal Injury Fund pays to the state to help victims of DUI's that have brain and spinal cord injuries.

PHOTO (DUI Photo Publication): Photo fee is paid to the city which in turn pays it to the local news paper to run a picture of any convicted in this jurisdiction of a 2nd or more DUI. The city uses this fee to publish a photo, in the local newspaper, of jurisdictional convictions of two or more DUI violations.

(Ord. No. 2023-03, § 1, 2-6-2023)

CHAPTER 22 – ENVIRONMENT

Land disturbance permits:

LAND DISTURBING **Less than 5 acres**		
Base	$	100.00
additional cost per acre	+$50/ac	
5 to 25 acres		
Base	$	325.00
additional cost per acre	+$50/ac	
25 or more acres		
Base	$	400.00
additional cost per acre over 25 acres	+$20/ac	
Upper Chattahoochee Soil District Fee	$	25.00

CHAPTER 26 – FIRE PREVENTION AND PROTECTION

Fireworks Permits

- Special fireworks permit — $500.00

False Alarm Penalties

- 1st–2nd — No charge
- 3rd–5th — $50.00
- 6th — $100.00
- 7th — $150.00
- 8th — $250.00
- 9th — $350.00
- 10th+ — $500.00 per occurrence

Fire Code Violations (General Enforcement)

(a) Each violation constitutes a misdemeanor.
(b) Fine: $100.00 minimum to $1,000.00 maximum.
(c) Imprisonment: up to 30 days.
(d) Each 10 days of continued violation constitutes a separate offense.

CHAPTER 28-Health AND SANITATION

SANITATION	
Residential	Monthly charge
1 person	$14.75
2 people	$19.90
3 or more people	$26.95
Commercial	Monthly charge
90 gallon or less containers	TBD
One container - one collection per week	$42.55
One container - two collections per week	$79.10
One container - three collections per week	$115.65
Dumpster rental fee	$16.50

Collections	*1 container*	*2 containers*	*3 containers*	*4 containers*
Once per week	$ 106.57	$ 158.85	$210.14	$310.71

Twice per week	155.36	255.93	356.50	457.07
Three per week	204.14	353.50	502.86	652.21

CHAPTER 36 – OFFENSES AND MISCELLANEOUS PROVISIONS

Special events permit (additional charges may apply)

- Per Event-$65.00

Public Peace Offenses

- Minimum fine — $200.00
- Each violation = separate offense
- Municipal Court jurisdiction

CHAPTER 38-PARKS AND RECREATION

Vacant Property Registry

- Registration fee-$50.00
- Failure to register-up to $1,000.00 per occurrence
- Administrative fee-cost recovery basis via resolution
-

CHAPTER 40 – PEDDLERS AND SOLICITORS

- Application fee — $25.00
- Registration fee — $100.00
- Occupational tax registration

CHAPTER 42 – SECONDHAND GOODS

- Pawnbroker permit investigation — $100.00
- Permit Renewal — $50.00

CHAPTER 44 – SIGNS

Sign Permit fees	

Permanent per sign face	$	90.00
Temporary Banners	$	30.00

- Civil penalty — $100.00–$500.00 per day
    - Each day separate offense

CHAPTER 46 – SOLID WASTE

- Monthly charge for collection and disposal -TBD

Chapter 46: Solid Waste		
46-29	Monthly charge for collection and disposal	TBD

CHAPTER 48 – STREETS AND PUBLIC PLACES

- Special event application — $65.00
- Parade permit-administrative schedule (TBD)
- Street and sidewalk promotional sale permit- administrative schedule (TBD)

Chapter 48-Urban Camping

- Civil infraction — up to $500.00 per violation
- Repeat violations — misdemeanor
- Maximum penalty — $1,000.00 and/or 90 days jail

CHAPTER 50 – SUBDIVISIONS

Subdivision Development review fee

- Base $300.00
- + $10.00 per lot

CHAPTER 54 – TELECOMMUNICATIONS

- Building and use permit application fee — $1,000.00
- Permit term — 12 months

- Review period — 45 days

TELECOM ENFORCEMENT

- $2,500/day + jail up to 60 days

Enforcement

- Unauthorized construction — $2,500.00 per day AND
- Criminal penalty — up to 60 days jail
- Each day constitutes a separate offense

CHAPTER 56 – TRAFFIC

- CSI fee-$12.00 per citation

CHAPTER 58 – UTILITIES

Water Service

- Connection fee-$75.00 owner / $150.00 renter
- Temporary water use-$25.00 (no account)
- Excess usage-billed per schedule

Deposits

- Restaurant — $500.00
- Industrial/Hotel — $1,000.00
- Other — $200.00

Indicator Meter Violations

- $500.00 per month unauthorized use
- 6-month violation → compound meter required

Water Conservation Violations

- 1st- $25.00
- 2nd -$50.00
- 3rd-$100.00 + disconnection
- Each day = separate offense

Backflow prevention enforcement

- Civil liability: up to $10,000/day
- Criminal penalties:
  $50.00-$500.00 + jail up to law max
- Installation penalties:
  60 days $100
  90 days $500
  120 days $5,000
  6 months noncompliance → termination

Wastewater Enforcement

- Civil penalty-up to $1,000 per violation per day
- Criminal penalty-up to $1,000 per violation per day + up to 180 days jail
- False statements/tampering included
- Harmful discharge liability included
- Each day constitutes separate offense
- Remedies are cumulative and nonexclusive

Utilities

58-28	Fire hydrant service rental	TBD
	Automatic sprinkler system	TBD
	Water and sewer services	TBD
58-31	Water and sewer services	
	Water utilities inside city limits—2,000 gallons or less	
	¾" meter	$18.42
	1" meter	$22.03
	1½" meter	$48.05
	2" meter	$88.10

	3" meter	$152.10
	4" meter	$280.33
	6" meter	$600.65
	8" meter	$1,121.17
	Water usage—per 1,000 gallons over 2,000 gallons	$3.85
	Sewer services inside city limits—as a multiple of water usage	1.63 times
	Over 8,000 gallons—per 1,000 gallons	$4.00
58-31	Water utilities outside city limits—2,000 gallons or less	
	¾" meter	$28.03
	1" meter	$60.92
	1½" meter	$91.30
	2" meter	$156.39
	3" meter	$226.75
	4" meter	$422.04
	6" meter	$812.68
	8" meter	$1,359.63
	Water usage—per 1,000 gallons over 2,000 gallons	$4.71
	Sewer services outside city limits—as a multiple of water usage	1.88
58-31	Water tap fees (per unit)—Inside city limits	
	¾" tap and meter	$1,235.00
	1" tap and meter	$1,740.00
	1½" tap and meter	$3,182.00
	2" tap and meter	$5,268.00
	3" tap and meter	$11,047.00
	4" tap and meter	$19,120.00
	6" tap and meter	$42,398.00
	8" tap and meter	$74,734.00
58-31	Sewer tap fees (per unit)—Inside city limits	
	¾" tap	$1,287.00

	1" tap	$1,730.00
	1½" tap	$3,000.00
	2" tap	$4,779.00
	3" tap	$9,877.00
	4" tap	$16,976.00
	6" tap	$37,339.00
	8" tap	$65,680.00
58-31	Water tap fees (per unit)—Outside city limits	
	¾" tap and meter	$1,528.00
	1" tap and meter	$2,158.00
	1½" tap and meter	$3,962.00
	2" tap and meter	$6,552.00
	3" tap and meter	$13,777.00
	4" tap and meter	$23,868.00
	6" tap and meter	$52,933.00
	8" tap and meter	$93,321.00
58-31	Sewer tap fees (per unit)—Outside city limits	
	¾" tap	$1,502.00
	1" tap	$2,057.00
	1½" tap	$3,644.00
	2" tap	$5,866.00
	3" tap	$12,224.00
	4" tap	$21,104.00
	6" tap	$46.566.00
	8" tap	$81,992.00

Any utility violating provisions of this Article:
Up to $1,000 per violation

CHAPTER 62 – VEHICLES FOR HIRE

- Taxicab application-$200.00
- Denial retention-$100.00
- Occupational tax per schedule

CHAPTER 64 – ZONING

- Variance/Appeal fee-$500.00
- Zoning application-$500.00
- Annexation application fee - $900.00

CHAPTER 19 – GENERAL ENFORCEMENT PRINCIPLES

1. Authority=City Code + Georgia law
2. All fees are nonrefundable unless stated.
3. All penalties may be enforced cumulatively (civil, administrative, criminal).
4. Each day of violation constitutes a separate offense unless otherwise specified.
5. City retains full enforcement authority under Georgia law.
6. To amend, a resolution is needed unless otherwise required
7. Severability applies
8. This Exhibit A is the official fee and penalty schedule of the City of Cleveland.

ORDINANCE 2026-08
A RESOLUTION REESTABLISHING THE CITY OF CLEVELAND PARKS AND RECREATION BOARD .

WHEREAS, Chapter 38 of the Code of Ordinances of the City of Cleveland reestablishes the framework and operation of a Parks and Recreation Board to advise the mayor and council on matters relating to parks, recreation programs, trails, open space, beautification, and recreational facilities; and

WHEREAS, the City of Cleveland currently maintains the City Park off of Woodmen Hall Road and recognizes the importance of providing quality recreational opportunities and public gathering spaces for residents and visitors alike; and

WHEREAS, the City plans to begin development of a second public pocket park during Fiscal Year 2026-2027 adjacent to Campbell Street; and

WHEREAS, the mayor and council have demonstrated their commitment to these efforts by appropriating approximately Two Hundred Thousand Dollars ($200,000.00) for park improvements in the current fiscal year and approving an additional Two Hundred Thousand Dollars ($200,000.00) in the Fiscal Year 2026-2027 Capital Improvement Plan adopted on this date; and

WHEREAS, the Mayor and Council desire to reestablish and activate the Parks and Recreation Board to assist in evaluating community recreational needs, providing citizen input, reviewing park improvement concepts, and making recommendations regarding the future development and enhancement of the City's parks and recreation system; and

WHEREAS, the Mayor and Council anticipate considering appointments to the Parks and Recreation Board at their regular meeting on July 20, 2026, and further anticipate reviewing a Request for Proposals (RFP) to initiate the selection of a qualified vendor to assist with planning, design, and implementation efforts for both sites.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cleveland, Georgia intend to consider appointments to the Parks and Recreation Board at the regular meeting scheduled for July 20, 2026, in accordance with the provisions of Chapter 38.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cleveland, Georgia reaffirm their commitment by supporting the issuance of a Request for Proposals for professional services related to the planning, design, and implementation of improvements to the City's park system and acknowledge that proposals may be presented for consideration at the July 20, 2026 meeting.

This Resolution shall become effective immediately upon its adoption.

SO RESOLVED this 15th day of June, 2026.

Josh Turner	Mayor	Jeremy McClure	Council Member District 3
Nan Bowen	Council Member District 1 Mayor Pro Tem	C.J. McDonald	Council Member District 4
		ATTEST:	
Annie Sutton	Council Member District 2	Lisa A. Ritchie	City Clerk

CITY OF CLEVELAND
SPECIAL EVENT APPLICATION

85 South Main Street, Cleveland, Georgia 30528
permitting@clevelandga.org / 706-865-2017 opt. 2

OFFICE USE ONLY:
Date Rec'd:
Permit #:

Event Name: Cleveland /White County 250th Celebration
Event Location: Freedom Park 66 East Kytle Street
Event Date: 7/4/26 Event Time: 0700-2230 Set up begins: 0500

Applicant's Name: Lacy Turner
Applicant's Address: 231 Doug Allison Heights
City/State/Zip Cleveland GA 30528
Applicant's phone:
Email address: lacypturner@gmail.com

Non-profit Agency/Group &
501 (c)3 Identification:

Additional Emergency Contact: Kevin Harris
Phone number: 706-493-9488
Email Address: kharris@clevelandga.org

Event Type (Provide a description of event and the related benefit to the community): Community Independence Day Celebratio promoting health, unity, and patriotism. Event will include a 5k run, family friendly games, food and merchandise vendors, music, and a fireworks display.

Anticipated number of attendees: 1200 Number of staff: 20-25

Will food be provided/given away/sold by vendors or food trucks? (•) yes ( ) no
If so, have you made contact with White County Environmental Health? (•) yes ( ) no
Will electrical service be needed (if held at Freedom Park)? [✓] yes [ ] no
Electrical service will need to be coordinated by the applicant with the White County Board of Commissioners.
Will canopy tents be used? [✓] yes [ ] no How Many: 15-20 Size: 10x10
(enclosed tents are prohibited)
Clean up of location will be provided by: [✓] Event volunteers [ ] Private Contractor
City of Cleveland Sanitation Department (must be coordinated with City Hall. Additional fees will apply.

Will fireworks be displayed? [✓] yes [ ] no (*separate approval must be obtained by Cleveland Fire Department)
Will speakers, microphones, amplifiers, or sound systems be used? [✓] yes [ ] no
Are street closures requested? [✓] yes [ ] no
*Street closures must be approved by the Mayor and City Council. Closures requested: **Quillian Street and Brook Street from E. Underwood Street to E. Kytle Street, and a portion of E. Underwood Street.**

Any requests for assistance from the Cleveland Police Department for traffic control, security, or pedestrian crossing assistance must be coordinated directly with the Cleveland Police Department by calling 706-348-7078. Such requests for personnel will incur additional costs which are the sole responsibility of the applicant. **Required supporting documents: copy of Photo ID, list of vendors if applicable, sketched layout to include vendor locations, parking, and tent locations.**

Applicant'Signature Lacy P Turner Date: 6-10-26

WHITE COUNTY BOARD OF COMMISSIONERS
1235 Helen Hwy.
Cleveland, Georgia 30528
(706) 865-2235

APPLICATION FOR PERMIT TO USE COUNTY PROPERTY FOR SPECIAL EVENT

Name of Applicant: Kevin Harris

Address and Phone Number of Applicant: 85 S. Main St. Cleveland GA 30528

(706) 915-6489 kharris@clevelandga.org

Description of County Property proposed to be used: ☑ Freedom Park (check here)

Other: _____

Date and Times of Proposed Use: July 3 2026 - July 5 2026

Name of Primary Sponsor and Primary Contact: Cleveland-White Celebrates America's 250 Kevin Harris (706) 915-6489

501(c)3 Identification: _____

Address: _____

Phone (Work): 706.493.9488 Emergency*): _____

cell: 706.915.6489

*Number to be able to contact during the event.

Type, description and purpose of event (must demonstrate benefit to community):

Public Event on Saturday July 4 2026 to Celebrate America's 250th year. Event will include vendors, food trucks, music/concert/ family friendly games, and viewing area for fireworks display.

Please describe in detail the proposed event including use of any electrical / water services, tents, booths, port-a-potties, sound system or other equipment that is proposed to be used in the event and any conflicts with the general rules for use: (attach additional paper if needed)

Foodtrucks & vendors will be on site. Access to electrical, water, and sound system is needed. Canopy tents will be utilized.

*If electrical / water service is needed – applicant will need to coordinate access through the BOC Office.

Describe how proposed traffic, parking, security and cleanup will be handled:

Road Closures of Quillian St and S. Brooks St requested. Parking is being coordinated with local businesses. Clean up will be provided by event volunteers + Cleveland Public Works Department. Event security, traffic, + pedestrian control is being coordinated with Cleveland Police Dept.

Note: If this event is proposed to be held within the incorporated areas of Cleveland or Helen, any approval by the County is contingent upon all requirements of the applicable City being met.

Also Note: If food is to be served at the proposed event, a permit may be required. Please contact the White County Health Department at 706-865-2191 for more information on obtaining this permit.

Applicant's Name (please print): Kevin Harris

Applicant's Signature: Kevin J. Harris Date: 3/30/26

(For White County Use Only)

Calendar Checked:_____ / Sun

The above application has been: (_____) Approved.

(_____) Denied.

This _____ day of _____, 20____.

_____

Signature Title

INDEMNIFICATION AND WAIVER OF LIABILITY

STATE OF GEORGIA
COUNTY OF WHITE

For and in consideration of the acceptance of White County's permit for use of County property, Kevin Harris (authorized representative of permit holder), acting for and on behalf of Cleveland-White Celebrates America's 250 (name of organization receiving permit) hereby agrees to indemnify and hold harmless White County, its agents and employees, from all liability, loss and damage which may be sustained by reason of injury to any person, damage to any property, including theft, through any and all acts or omissions of the permit holder, its/his/her agents, employees, or invitees, during and as a part of the Special Event to be held on July 3 - July 5, 2026 as set forth in the Special Event application dated March 30 2026. This indemnification shall not be applicable to any loss or damage resulting from the sole negligence of White County, its agents and employees.

This 30 day of March, 2026.

Kevin Harris
(Printed Name of permit holder representative)

Kevin Harris
Signature of authorized representative

Signed, sealed and delivered
In the presence of:

Witness

Evie Myers
Notary Public

(Seal)

EVIE MYERS NOTARY PUBLIC EXP. OCT. 20, 2026 WHITE COUNTY, GA

Outlook

Re: Application for Freedom Park: July 3-5

From Kimberly McEntire <KMcEntire@whitecountyga.gov>
Date Wed 2026-04-01 17:08
To Permitting <Permitting@clevelandga.org>

Y'all are good to go. I apologize, it has been crazy today 😊

Get Outlook for iOS

From: Permitting <Permitting@clevelandga.org>
Sent: Wednesday, April 1, 2026 4:31:08 PM
To: Kimberly McEntire <KMcEntire@whitecountyga.gov>
Subject: Re: Application for Freedom Park: July 3-5

[EXTERNAL SENDER - PROCEED CAUTIOUSLY]
Forgive me, but are we approved for these dates? Kevin checking...

Evie Myers

Permitting Clerk
City of Cleveland
85 S. Main Street
Cleveland, GA 30528
706-865-2017 opt 2
Clevelandga.org

From: Permitting <Permitting@clevelandga.org>
Sent: Monday, March 30, 2026 14:32
To: Kimberly McEntire <kmcentire@whitecountyga.gov>
Subject: Application for Freedom Park: July 3-5

Good afternoon.

I have attached the application for the use of Freedom Park for July 3-5th, 2026.
Event date of July 4th: this will be an all day event. Set up beginning July 3rd.

Please let me know what else you need. I will get it to you promptly.

Thank you,

Evie Myers

Permitting Clerk
City of Cleveland
85 S. Main Street
Cleveland, GA 30528
706-865-2017 opt 2
Clevelandga.o

Confirmed Vendors

- Saalty Papa Designs — Bill Clementz
- Danille Designs — Danielle Burke
- Moon and Back Jewelry — Anna Dotson
- WC Rec Department (Yard Games) — Kimberly McEntire
- Renee's Creative Corner — Renee Gable
- Wrenley's Bake Shoppe — Lori Mooney
- Tesnatee Baptist Church — Keilea Loggins
- Heavenly Blessed Creations — Jaye Morris
- Minor T's LLC — Tracy Minor
- R&B Honey Co — Rob Tuttle
- Mountain Laurel Gnomes — Mary Ranson
- Hand Forged Finery — Kelley Chambers
- Smith's Creations — Karl Smith
- Southern Creations — Haley Riddle
- Rotary Club — Lori Creek

Activities/Services

- Event Services of GA (Restroom Trailer)
- Elevation Rental Co. (Jumpies) — Jack Fullerton

Confirmed Volunteers

- Alyssa Tyree
- Kristin Ellis
- Teresa Payne
- Ken Payne
- Carly Adams
- Lori Creek
- Aydan Tyree
- Debora Palmer
- Shanda Murphy
- Sandee Lepkoske

Confirmed Food Trucks

- Kona Ice
- PattyCakes
- TMU Food Truck
- Alpine Pizza Wagon
- Big Dog Food Truck
- Sunny Sips Lemonade
- Bizabas Ice Cream (Will be a tent)
- Cattywompas

Tentative Timeline for the Day

5:00 PM – Opening Ceremony

- Josh Turner Welcome
- Honor Guard Presentation
- Pledge of Allegiance
- Travis Turner Welcome
- Sponsor Recognition & Thank You
- Opening Prayer — Danny Hendrix
- Armed Forces Recognition
- National Anthem — Brooke Ledford
- Clay Christy fill the rest of the hour with music

6:00 PM – Annie Sutton (Voices of Faith)

7:00 PM – Mike Purdue

8:00 PM – Kiah and Tygar

9:30 PM – Fireworks at Sunset

- Final Recognitions

CLEVELAND Run for Freedom 5k Operations Plan

Version 1.0 2/27/26

1. EVENT OVERVIEW

Event Name: Cleveland Run for Freedom 5K

Purpose: Community Independence Day celebration promoting health, unity, and patriotism
Participants: Runners, walkers, families, spectators

Ceremonial Elements:

- Color Guard presenting the Colors
- National Anthem performance
- Invocation
- Opening remarks by the Mayor

Lead Agencies:

- City of Cleveland
- Cleveland Police Department
- Cleveland Fire/EMS
- Public Works Department

Race POC: LTC(Ret) Carlos M. Santiagojr.

Command Post Location: Freedom Park

2. EVENT OBJECTIVES

- Provide a safe, well-organized 5K race for all ages and abilities.
- Cleveland Celebrate & Honor America's 250th anniversary of the signing of the Declaration Independence Day with formal patriotic ceremonies.
- Promote community engagement and local business involvement.
- Ensure smooth traffic control, emergency readiness, and participant flow.
- Deliver a positive, memorable experience for runners and spectators.

3. ORGANIZATIONAL STRUCTURE

3.1 Key Roles

5K POC — Race leadership, city liaison, Logistics, equipment, course setup, vendor coordination.

- **Safety Officer** — Police, EMS, emergency protocols, weather monitoring.
- **Ceremonies Coordinator** — Color Guard, Anthem singer, mayor's office.
- **Communications Lead** — PA system, announcements, race-day messaging.
- **Volunteer Coordinator** — Recruitment, training, assignments, check-in.
- **Vendor Manager** — Timing company, restrooms, water/ice, tents, sound.

3.2 Communication Channels

- Radios for key staff
- Cell phone backup
- Command Post as central hub
- Pre-established emergency codes and procedures

4. PRE-EVENT TIMELINE

4–6 Months Prior

- Secure permits, insurance, and road closure approvals.
- 5K route and traffic control plan. (see attachment A)
- Contract timing company and portable restroom vendor.
- Confirm Color Guard and National Anthem performer.
- Confirm mayor's participation and speaking points.
- Launch registration and marketing campaign.
- Recruit volunteers and assign preliminary roles.
- Order medals, bibs, shirts, signage, cones, banners, and water station supplies.

1 Month Prior

- Conduct safety briefing with police, EMS, and operations team.
- Confirm ceremonial participants and arrival times.
- Print course maps, volunteer instructions, emergency contact sheets.
- Test sound system and backup power.
- Confirm delivery times for restrooms, tents, and equipment.

Race Week

- Mark course and place directional signage.
- Hold final operations meeting.
- Confirm all vendors and deliveries.
- Prepare registration materials and supplies.
- Prepare race packets and bibs.

5. RACE-DAY OPERATIONS TIMELINE

0500–0600: Early Setup

- Command Post opens.
- Public Works places barricades and cones.
- Timing company sets up start/finish mats and clocks.
- Vendor deliveries begin (tents, water, ice).

0600–0700: Full Setup

- Registration/packet pickup tent assembled.
- Water station stocked and staffed.
- Medical tent set up with EMS team.
- PA system tested; backup microphone checked.
- Course sweep conducted.
- Volunteer check-in opens.

0700–0740: Pre-Race Activity

- Registration and packet pickup open.
- Announcer welcomes runners and provides instructions.
- Color Guard, Anthem singer, and mayor check in.
- Police and course marshals take positions.
- Lead vehicle staged.

0740–0750: Ceremonial Program

- Announcer calls participants to attention.
- **Color Guard presents the Colors.**
- **National Anthem performed.**
- **Invocation**
- **Mayor delivers opening remarks (2–4 minutes).**
- Announcer gives final race instructions.

0755–0800: Start Line Staging

- Runners move into start area.
- Timing systems activated.
- Police confirm course readiness.
- Lead vehicle prepares to depart.

0800: Race Start

- Official horn or countdown.
- Lead vehicle departs.
- Course marshals monitor intersections.

0800–0900: Race in Progress

- Water station active.
- EMS on standby at medical tent and roving unit on course.
- Communications Lead provides updates and music.

0900–0930: Finish Line Operations

- Medals distributed.
- Water and snacks provided.
- Timing company posts live results.
- Photographers capture finishers.

0930–1000: Awards Ceremony

- Overall and age-group winners recognized.
- Sponsors acknowledged.
- Closing remarks by Event Director.

1000–1100: Breakdown

- Remove signage, cones, tents, and equipment.
- Timing company removes mats and clocks.
- Public Works reopens roads.
- Trash and recycling collected.
- Command Post closes after final sweep.

6. STAFFING & VOLUNTEER PLAN

Registration & Packet Pickup (4–6 volunteers)

- Check in runners, distribute bibs and shirts.
- Handle on-site registration and waivers.

Course Marshals (8–10 volunteers)

- Staff intersections and turns.
- Direct runners and monitor safety.
- Report issues to Command Post.

Water Station (2–4 volunteers)

- Fill and distribute cups.
- Restock water and ice.
- Maintain cleanliness.

Finish Line (2–4 volunteers)

- Distribute medals.
- Provide water and snacks.
- Assist with runner flow.

Parking & Traffic Support (4–6 volunteers)

- Direct vehicles to designated parking areas.
- Keep pedestrian zones clear.

Ceremonies Support (2–3 volunteers)

- Escort Color Guard and Anthem singer.
- Coordinate mayor's arrival and staging.

7. EQUIPMENT & SUPPLIES

Start/Finish Area

- Inflatable arch or banners
- Timing mats and clocks
- PA system, speakers, microphones
- Podium for remarks
- Tents for registration and medical
- Tables, chairs, signage

Course

- Cones, barricades, directional signs
- Mile markers
- Water station tables, cups, coolers
- Trash cans and recycling bins

Safety

- Radios for key staff
- First-aid kits
- EMS tent and vehicle
- Weather monitoring tools

8. SAFETY & EMERGENCY PROCEDURES

Medical Response

- EMS stationed at finish line.
- Roving EMS unit on course.
- Volunteers trained to report incidents immediately.

Weather Contingency

- Heat protocol: additional water, shade, cooling measures.
- Lightning protocol: delay or suspend event until safe.
- Severe weather shelter locations identified.

Lost Child/Person Protocol

- Report immediately to Command Post.
- Announcer uses discreet messaging.
- Police assist with search.

Course Incident Protocol

- Marshal reports via radio.
- EMS dispatched.
- Police manage traffic if needed.

9. POST-EVENT ACTIONS

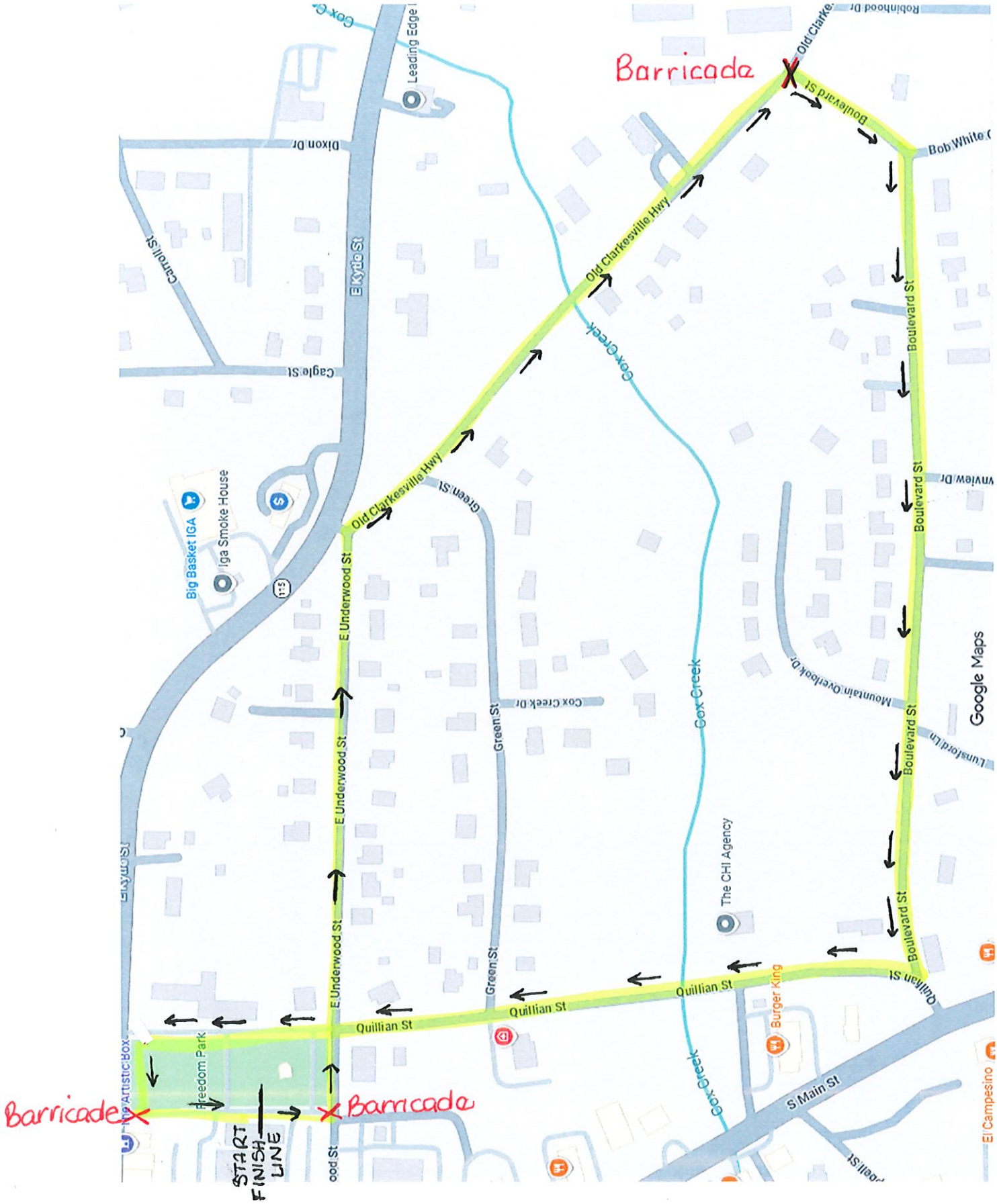
Within 48 Hours

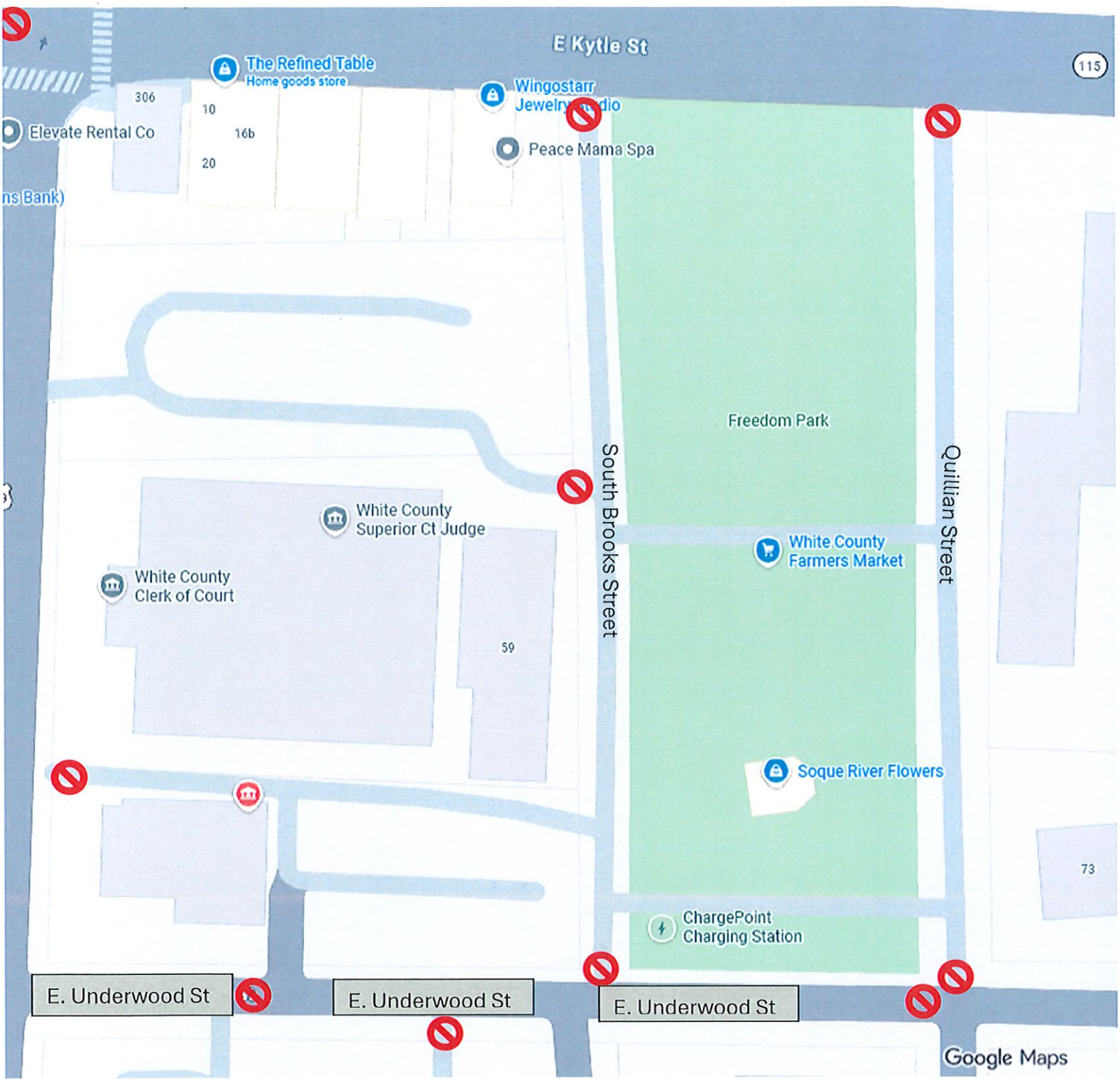
- Publish results and photos.
- Send thank-you messages to volunteers, sponsors, and ceremonial participants.
- Collect feedback from staff and participants.

Within 1–2 Weeks

- Conduct debrief meeting.
- Reconcile finances and sponsorships.
- Document lessons learned

Run for Freedom 5k Route

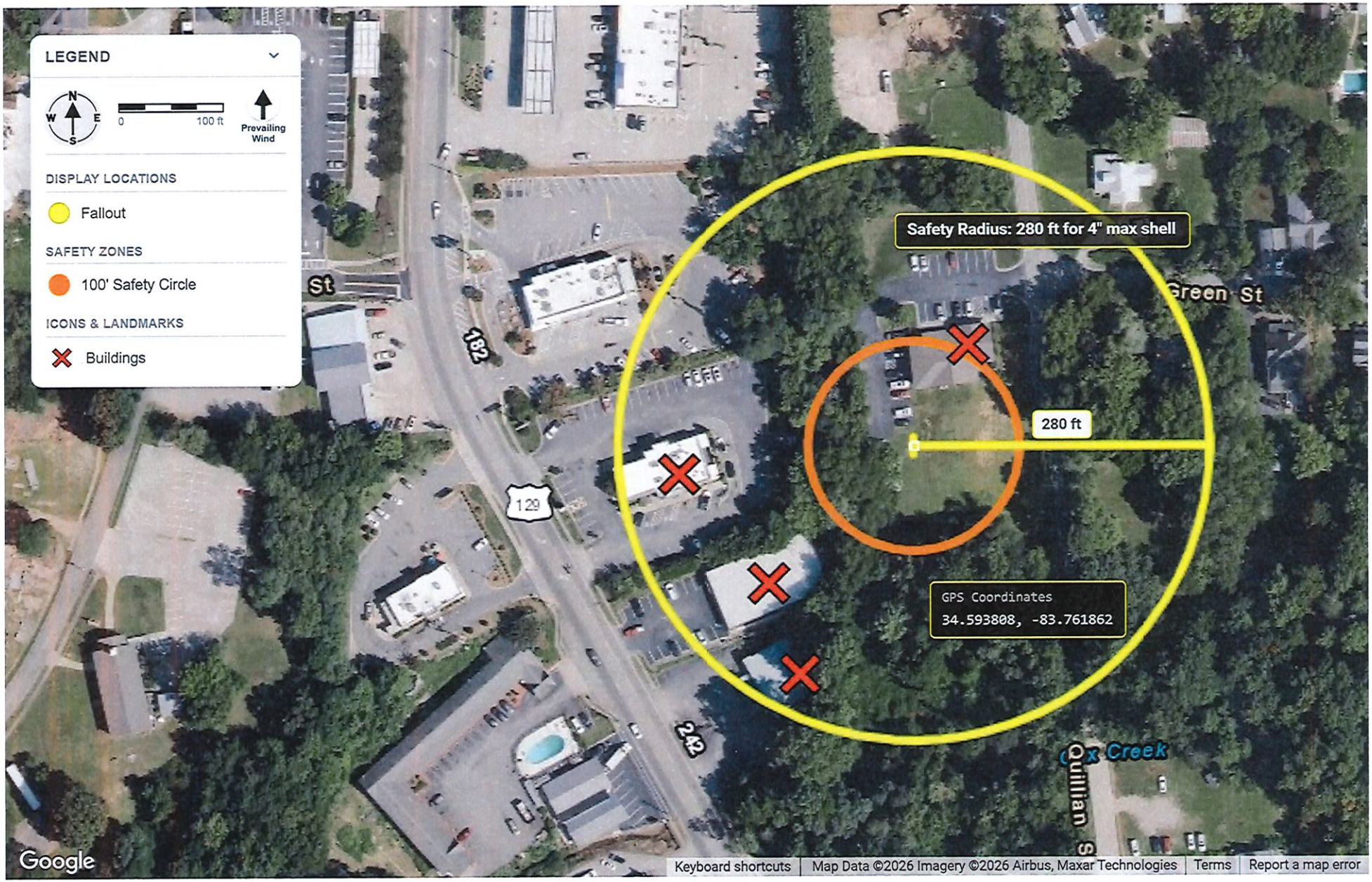




Road closures requested:

- Quillian Street between E. Underwood and East Kytle St
- South Brook Street between E. Underwood and East Kytle St
- E. Underwood St just beyond first entrance to Clipper/Bojangles to Quillian St.


CITY OF CLEVELAND
GEORGIA
United Community
White County
GEORGIA
Independence
Day 250
JULY 4TH, 2026
FREEDOM PARK
5K • FESTIVAL • FIREWORKS
clevelandwhite250.com



655

Ghost Coast Pyrotechnics
201 N Palm Street
Jesup, Georgia 31546
912-216-2383

Cleveland 4th
07-04-2026 | 9:00 PM
Cleveland, GA

Site Plan Created: 05-26-2026 7:57 PM | By: KWM

SAFETY DISCLAIMER

All site conditions, distances, measurements, and fallout radius calculations shown in thi gram are for planning purposes only and shall be verified by qualified personnel prior to mentation. The ultimate responsibility for safety compliance rests with onsite pyrotechnic and the authority having jurisdiction (AHJ). All measurements and safety distances must firmed on-site by qualified professionals familiar with applicable local, state, and federal tions, including but not limited to NFPA standards. This diagram does not constitute a sa spection or guarantee of regulatory compliance.

Item # 12.

JOHN F. KING
COMMISSIONER OF INSURANCE
SAFETY FIRE COMMISSIONER

STATE OF GEORGIA
OFFICE OF
GEORGIA SAFETY FIRE COMMISSIONER

620 West Tower, 2 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334

License No. **ODD25-000004**

OUTDOOR FIREWORKS DISPLAY LICENSE
Class B & C

Pursuant to O.C.G.A. Title 25, Chapter 10, and the Rules and Regulations of the Safety Fire Commissioner.

Ghost Coast Entertainment LLC
66 Autumns Wood Drive
Brunswick, GA 31525

This license is revocable and may be suspended upon violation of any of the provisions of the Rules and Regulations promulgated thereunder.

Date Issued: Dec 29, 2025
Expiration Date: Dec 31, 2026

Regulatory Fee: $500.00

By: _____
Safety Fire Commissioner/Designee

CERTIFICATE OF LIABILITY INSURANCE

DATE (M
4/13/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Acrisure Great Lakes Partners Insurance Services, LLC 223 West Grand River Ave #1 Howell MI 48843 License#: BR-1796277	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:
INSURED Ghost Coast Entertainment LLC 66 Autumns Wood Dr Brunswick GA 31525-5651 GHOSCOA-01	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Third Coast Insurance Company — 10713 INSURER B : HDI GLOBAL SPECIALTY SE — 1340041 INSURER C : American Zurich Insurance Company — 40142 INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 871500130 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [ ] OCCUR [X] GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [X] PRO-JECT [ ] LOC OTHER:			PYTP0000002-00	7/2/2025	7/2/2026	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ $ 1,000,000 $ 2,000,000 $ 2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY			PYTA0000003-00	7/2/2025	7/2/2026	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
B	[ ] UMBRELLA LIAB [X] OCCUR X EXCESS LIAB [ ] CLAIMS-MADE DED [ ] RETENTION $			25QS1586	1/31/2026	7/2/2026	EACH OCCURRENCE AGGREGATE	$ 4,000,000 $ 4,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N [ ] N / A If yes, describe under DESCRIPTION OF OPERATIONS below			6ZZUB-A377814-6-25	1/22/2026	12/19/2026	X PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CITY OF CLEVELAND FIREWORKS DISPLAY PERMIT APPLICATION

City of Cleveland Fire Department
84 East Underwood Street, Cleveland, Georgia 30528
Phone: (706) 865-2017

This application is for fireworks displays conducted within the City of Cleveland. Submission of this application does not constitute approval. The display may not occur until approved by the City of Cleveland Fire Department and all other required authorities.

Applicant Information

Applicant / Organization Name:
Ghost Coast Entertainment LLC

Contact Person: Wade McDaniel

Mailing Address: 201 N Palm Street, Unit 1, Jesup, GA. 31546

Phone Number:
850-693-6358

Email Address:
operations@ghostcoastentertainment.com

Event Information

Name of Event:
City of Cleveland - 4th of July Fireworks

Display Location / Address:

Date of Display:
07/04/2026

Time of Display:
9:00pm

Rain Date:
07/05/2026

Estimated Attendance:

Fireworks Contractor / Operator Information

Fireworks Contractor Company:
Ghost Coast Entertainment LLC

Licensed Operator Name:
Keith McDaniel / Other Licensed Operators

Georgia License Number:
ODD25-000004

Operator Phone Number:
850-693-6358

Operator Email Address:
operations@ghostcoastentertainment.com

Required Attachments

[✓] Copy of State Fireworks Operator License
[ ] Certificate of Liability Insurance / Bond
[✓] Site Plan / Display Diagram

[✓] Product List and Maximum Shell Size
[✓] Safety Perimeter and Fallout Zone Plan
[✓] Emergency Contact Information
[ ] Written Permission from Property Owner
[ ] Applicable State, Probate Court, or Other Required Approvals

Safety Requirements and Conditions

The applicant and fireworks contractor shall comply with all applicable local, state, and federal laws, current Georgia fireworks requirements, NFPA 1123, and all instructions issued by the Fire Chief, Fire Marshal, or their designee. The City of Cleveland Fire Department reserves the right to inspect the site before, during, and after the display. The Fire Chief, Fire Marshal, or designee may cancel, delay, or suspend the display due to unsafe conditions, weather, drought conditions, equipment failure, inadequate separation distance, or failure to comply with permit conditions.

Applicant Certification

I certify that the information provided is true and accurate. I understand that approval of this permit does not relieve the applicant, sponsor, property owner, or fireworks contractor from complying with all applicable laws, codes, ordinances, and permit conditions.

Applicant Signature: _____ **Date:** 5.29.26

FOR OFFICIAL USE ONLY

Permit Number: _____

Application Received Date: 5/29/26

Approved By: _____

Title: Fire Marshal

Date Approved: 6-5-26

Fire Department Standby Required: [✓] Yes [ ] No

Conditions of Approval:

_____

_____

_____

_____

[✓] Approved [ ] Denied

Product List

3" - 540
4" - 300

Cakes (up to 15") - 1500

EMERGANCY CONTACT:
WADE MCDANIEL - 850-693-6358
KEITH MCDANIEL - 850 269-7529

WHITE COUNTY BOARD OF COMMISSIONERS
1235 Helen Hwy.
Cleveland, Georgia 30528
(706) 865-2235

APPLICATION FOR PERMIT TO USE COUNTY PROPERTY FOR SPECIAL EVENT

Name of Applicant: Kevin Harris

Address and Phone Number of Applicant: 85 S. Main St. Cleveland GA 30528

(706) 915-6489 kharris@clevelandga.org

Description of County Property proposed to be used: ☑ Freedom Park (check here)

Other: _____

Date and Times of Proposed Use: July 3 2026 - July 5 2026

Name of Primary Sponsor and Primary Contact: Cleveland-White Celebrates America's 250 Kevin Harris (706) 915-6489

501(c)3 Identification: _____

Address: _____

Phone (Work): 706.493.9488 &mergency*): _____
cell: 706.915.6489
*Number to be able to contact during the event.

Type, description and purpose of event (must demonstrate benefit to community):

Public Event on Saturday July 4 2026 to Celebrate America's 250th year. Event will include vendors, food trucks, music/ concert/ family friendly games, and viewing area for fireworks display.

Please describe in detail the proposed event including use of any electrical / water services, tents, booths, port-a-potties, sound system or other equipment that is proposed to be used in the event and any conflicts with the general rules for use: (attach additional paper if needed)

Foodtrucks & vendors will be on site. Access to electrical, water, and sound system is needed. Canopy tents will be utilized.

*If electrical / water service is needed – applicant will need to coordinate access through the BOC Office.

Describe how proposed traffic, parking, security and cleanup will be handled:

Road closures of Dillian St and S. Brooks St requested. Parking is being coordinated with local businesses. Clean up will be provided by event volunteers + Cleveland Public Works Department. Event security, traffic, + pedestrian control is being coordinated with Cleveland Police Dept.

Note: If this event is proposed to be held within the incorporated areas of Cleveland or Helen, any approval by the County is contingent upon all requirements of the applicable City being met.

Also Note: If food is to be served at the proposed event, a permit may be required. Please contact the White County Health Department at 706-865-2191 for more information on obtaining this permit.

Applicant's Name (please print): Kevin Harris

Applicant's Signature: Kevin J. Harris Date: 3/30/26

(For White County Use Only)

Calendar Checked:_____ / Sun

The above application has been: (_____) Approved.

(_____) Denied.

This _____ day of _____, 20____.

_____

Signature Title

INDEMNIFICATION AND WAIVER OF LIABILITY

STATE OF GEORGIA
COUNTY OF WHITE

For and in consideration of the acceptance of White County's permit for use of County property, Kevin Harris (authorized representative of permit holder), acting for and on behalf of Cleveland-White Celebrates America's 250 (name of organization receiving permit) hereby agrees to indemnify and hold harmless White County, its agents and employees, from all liability, loss and damage which may be sustained by reason of injury to any person, damage to any property, including theft, through any and all acts or omissions of the permit holder, its/his/her agents, employees, or invitees, during and as a part of the Special Event to be held on July 3 - July 5, 2026 as set forth in the Special Event application dated March 30 2026. This indemnification shall not be applicable to any loss or damage resulting from the sole negligence of White County, its agents and employees.

This 30 day of March, 2026.

Kevin Harris
(Printed Name of permit holder representative)

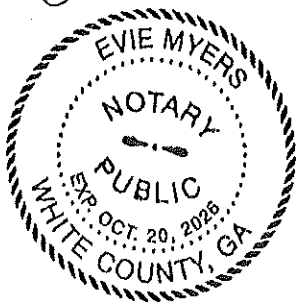
Kevin Harris
Signature of authorized representative

Signed, sealed and delivered
In the presence of:

Witness

Evie Myers
Notary Public

(Seal)



Outlook

Re: Application for Freedom Park: July 3-5

From Kimberly McEntire <KMcEntire@whitecountyga.gov>
Date Wed 2026-04-01 17:08
To Permitting <Permitting@clevelandga.org>

Y'all are good to go. I apologize, it has been crazy today 😊

Get Outlook for iOS

From: Permitting <Permitting@clevelandga.org>
Sent: Wednesday, April 1, 2026 4:31:08 PM
To: Kimberly McEntire <KMcEntire@whitecountyga.gov>
Subject: Re: Application for Freedom Park: July 3-5

[EXTERNAL SENDER - PROCEED CAUTIOUSLY]
Forgive me, but are we approved for these dates? Kevin checking...

Evie Myers
Permitting Clerk
City of Cleveland
85 S. Main Street
Cleveland, GA 30528
706-865-2017 opt 2
Clevelandga.org

From: Permitting <Permitting@clevelandga.org>
Sent: Monday, March 30, 2026 14:32
To: Kimberly McEntire <kmcentire@whitecountyga.gov>
Subject: Application for Freedom Park: July 3-5

Good afternoon.

I have attached the application for the use of Freedom Park for July 3-5th, 2026.
Event date of July 4th: this will be an all day event. Set up beginning July 3rd.

Please let me know what else you need. I will get it to you promptly.

Thank you,

Evie Myers
Permitting Clerk
City of Cleveland
85 S. Main Street
Cleveland, GA 30528
706-865-2017 opt 2
Clevelandga.o

From: CH Copier <chcopier@cityofclevelandga.org>
Sent: Monday, March 30, 2026 15:06
To: Permitting <Permitting@clevelandga.org>
Subject: Message from "RNP58387959F25E"

This E-mail was sent from "RNP58387959F25E" (IM C3500).

Scan Date: 03.30.2026 15:06:32 (-0400)
Queries to: CHcopier@cityofclevelandga.org

Disclaimer
The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

REQUESTED CHANGE ORDER #3- AS OF 6/9/2026

ITEM	NOTES	AMOUNT
COUNCIL EXECUTIVE MEETING ROOM- NOISE REDUCTION	Open walls and add insulation between council chamber and council executive space. Re-finish sheetrock. Upgrade double interior door to sealed door with sweep	$ 5,000.00
SECURITY/DATA ADDITIONS	Additional requested items after initial estimate- 2 new key fob readers for the booking room; 1 new alarm keypad at Council Room entry; 12 data drops at 6 locations around the building, plus tax and installation	$ 3,343.49
ADDITIONAL FENCING	Add wood picket 8 foot fence at back left corner of building to intersect with chain link fence at rear of property- pickets on one side-can upgrade to 2 side picket fence for additional cost	$ 4,000.00
CREDIT- CHAIN LINK FENCE DELETE	Delete fence around back of building	$ (1,800.00)
LUNA WOOD WALL- LABOR ONLY	Install Luna Wood, to be donated by manufacturer, as an accent wall in Council Chamber	$ 2,000.00
LANDSCAPING ALLOWANCE- CREDIT	$10,000 landscaping allowance- Remove large tree inside former chain link fence, freshen up current landscaping, seed and straw areas near new parking, do not plant new plants or make other changes- cost to be $5,000, landscaping credit of $5,000.00	$ (5,000.00)
ADD DOOR	Add office door to office near planning/inspection offices	$ 525.00
BURIED POWER TO ENTRY SIGN	Add 20 Amp circuit, buried power line to entrance sign. Does not include sign lighting.	$ 2,500.00
	TOTAL	**$ 10,568.49**

RESOLUTION 2026-09
A RESOLUTION TO MAINTAIN A TEMPORARY MORATORIUM ON THE REGULATION OF "CBD STORES" IN THE CITY OF CLEVELAND, GA

WHEREAS, the new Charter of the City of Cleveland became effective on July 1, 2025, and the City continues implementation of its updated governmental and regulatory framework; and

WHEREAS, the City Manager was instructed and successfully coordinated a systemic comprehensive review of the current Code of Ordinances by June 30, 2026; and

WHEREAS, the City of Cleveland remains actively engaged in a comprehensive review and modernization of its land use regulations, zoning ordinances, business licensing provisions, and public health and safety regulations; and

WHEREAS, the regulation of hemp-derived cannabinoid products, including cannabidiol (CBD), Delta-8 THC, Delta-9 THC, THCA-derived products, and other cannabinoid products continues to evolve at the federal and state levels; and

WHEREAS, the United States Food and Drug Administration has not established a comprehensive regulatory framework governing the use of CBD and certain hemp-derived cannabinoids in food products and continues to identify unresolved public health, labeling, dosage, and safety concerns associated with such products; and

WHEREAS, substantial uncertainty remains in Georgia even with new regulations of many consumable hemp products through licensing, age restrictions, testing, packaging, and THC-content requirements; and

WHEREAS, issues surrounding the regulation of stores which sell Cannabis-based products or CBD (CBD Stores) continue to be one of a complicated nature; and

WHEREAS, the long-term health impacts associated with certain hemp-derived cannabinoid products remain the subject of ongoing study and regulatory review; and

WHEREAS, the Mayor and Council find that issues surrounding businesses primarily engaged in the retail sale of CBD products, hemp-derived cannabinoid products, and cannabis-related products remain complex and involve land use, zoning, public health, law enforcement, and community compatibility considerations; and

WHEREAS, the newly adopted City Code currently does not contain a comprehensive regulatory framework specifically addressing such businesses; and

WHEREAS, the Mayor and Council determine that additional time is necessary to evaluate the true impact of such a substantial revision of a newly adopted Code of Ordinances and the impact on such businesses; and

NOW THEREFORE, BE IT RESOLVED by the City of Cleveland Mayor and Council as follows:

1. The City of Cleveland hereby establishes an additional study period of up to twelve (12) months following the expiration of the temporary moratorium established by Resolution No. 2025-23.

2. This Resolution shall become effective immediately upon adoption and shall expire by its own terms at 11:59 p.m. on July 7, 2027, unless sooner repealed, modified, or extended by action of the City Council.

3. For purposes of this Resolution, a "CBD Store" means any business whose principal line of retail sales consists of products containing cannabidiol (CBD), hemp-derived cannabinoids, cannabis-derived products, or similar cannabinoid products.

4. For purposes of this Resolution, "CBD-related" means a business in which products containing CBD or other cannabinoid products constitute at least twenty-five (25) percent of the business's gross retail sales or occupy more than twenty-five (25) percent of the floor area devoted to the display, marketing, or sale of such products.

5. During the study period established by this Resolution, the City shall not accept applications for, process, or issue any permit, license, approval, zoning authorization, business license, occupational tax certificate, or other authorization for the establishment or operation of a CBD Store within the City of Cleveland.

SO RESOLVED, this 15th day of June, 2026.

Josh Turner,	Mayor	Nan Bowen,	Council Member District 1 Mayor Pro Tem
Annie Sutton,	Council Member District 2	Jeremy McClure,	Council Member District 3
		ATTEST:	
C.J. McDonald,	Council Member District 4	Lisa Ritchie,	City Clerk

RESOLUTION 2026-10
A RESOLUTION TO MAINTAIN A TEMPORARY MORATORIUM FOR NEW SMOKE/VAPE SHOPS FOR UP TO TWELVE ADDITIONAL MONTHS IN THE CITY OF CLEVELAND, GA

WHEREAS, the Charter of the City of Cleveland became effective on July 1, 2025; and

WHEREAS, the City Manager was instructed and successfully coordinated a systemic comprehensive review of the current Code of Ordinances by June 30, 2026; and

WHEREAS, the City continues to evaluate and modernize its land use regulations, zoning ordinances, business licensing provisions, and public health and safety regulations; and

WHEREAS, ongoing changes in state and federal law continue to affect the regulation and sale of tobacco and nicotine products; and

WHEREAS, the City of Cleveland's current zoning ordinances and land use controls do not specifically and adequately address businesses that sell tobacco and nicotine products; and

WHEREAS, there are already multiple businesses within the City and White County that are authorized to sell tobacco and nicotine products; and

WHEREAS, the City's newly adopted Code of Ordinances and Chapter 64 (Zoning) do not specifically address businesses whose primary business activity involves the sale of tobacco and nicotine products; and

WHEREAS, the Council recognizes that concerns continue to exist regarding the long-term health effects associated with inhaling aerosolized substances from vaping products, potential exposure to chemicals contained in or generated by e-liquids during the heating process, and the increased risk of youth access and initiation associated with flavored vaping products; and

WHEREAS, the Mayor and Council find that maintaining the status quo while further study and potential ordinance amendments are considered serves the public health, safety, and welfare of the City;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cleveland as follows:

1. "Smoke/ Vape Shop" means any retail business for which a significant portion of its business consists of the sale of tobacco products, nicotine products, electronic cigarettes, vaping devices, vaping liquids, or similar products intended for smoking, vaping, or nicotine consumption.

2. A temporary moratorium on the issuance of new business licenses for Smoke/ Vape Shops is hereby continued and extended within the City of Cleveland.

3. During the moratorium period, the City shall not accept, process, approve, or

issue any new business license for any establishment meeting the definition of a Smoke/ Vape Shop.

4. This Resolution shall become effective immediately upon adoption and shall remain in effect through 11:59 p.m. on June 15, 2027, unless sooner repealed, modified, superseded by ordinance, or extended by action of the Mayor and Council.

SO RESOLVED, this 15th day of June, 2026.

_____		_____	
Josh Turner,	Mayor	Nan Bowen,	Council Member District 1 Mayor Pro Tem
_____		_____	
Annie Sutton,	Council Member District 2	Jeremy McClure,	Council Member District 3
		ATTEST:	
_____		_____	
C.J. McDonald,	Council Member District 4	Lisa Ritchie,	City Clerk

Cleveland City Council Meeting Minutes

Monday, June 01, 2026 at 6:30 PM
Oak Springs Community Center – 342 Campbell Street, Cleveland, GA

CALL TO ORDER

Mayor Turner called the meeting to order at 6:30 p.m.

PRESENT:

Mayor Josh Turner, Council Members Nan Bowen (Mayor Pro Tem), Annie Sutton, Jeremy McClure, and C.J. McDonald

Also, present were City Manager Kevin Harris, City Attorney Keith Whitaker, and City Clerk Lisa Ritchie

INVOCATION

1. Pastor Burnetta Armour, First Presbyterian Church of Cleveland, and White County Ministerial Alliance

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

Motion by Council Member McClure, seconded by Council Member Sutton, and voted, unanimously, to approve the agenda.

PUBLIC COMMENTS

There were no comments from the public.

PUBLIC HEARING

2. First Public Hearing - Ordinance 2026-01 Repealing and Adopting the City of Cleveland Code of Ordinances

   Mayor Turner opened the Public Hearing.

   Mr. Harris presented a comprehensive review of the City's Code of Ordinances following Governor Kemp's signing of House Bill 592 and the implementation of the City's new Charter, effective July 1, 2025. He outlined several reasons for the review, including general housekeeping updates such as correcting grammatical errors, ensuring consistent language throughout the Code, and achieving compliance with applicable state statutes and federal laws.

   Additional objectives included the removal of obsolete provisions, modernization of the Code to reflect current operations, addressing emerging issues, identifying and correcting provisions that are difficult to enforce, establishing clear procedures, codifying recently adopted ordinances, improving accessibility and understanding for users, and supporting economic development efforts.

   Mr. Harris reviewed numerous chapters and highlighted the proposed changes.

   There were no public comments.

Mayor Turner closed the Public Hearing.

NEW BUSINESS

3. Consideration of a motion to authorize the establishment of a separate checking account for the collection and administration of insurance company proceeds related to fire and other emergency services.

   Mr. Harris discussed the item.

   Motion by Council Member McClure, seconded by Council Member Bowen and voted, unanimously, to approve authorization to establish a separate checking account for the collection and administration of insurance company proceeds related to fire and other emergency services.

4. Request for Georgia Department of Transportation Local Road Assistance funding for South Main Street crosswalk project

   Mr. O'Bryant discussed the item.

   Motion by Council Member Sutton, seconded by Council Member Bowen and voted, unanimously, to approve the request for Georgia Department of Transportation Local Road Assistance funding for South Main Street crosswalk project.

5. Consider Renewal of the Work Detail Agreement with Georgia Department of Corrections (Colwell Probation Detention Center) FY-2027

   Ms. Ritchie discussed the item.

   Motion by Council Member McClure, seconded by Council Member McDonald and voted, unanimously, to approve the renewal of the Work Detail Agreement with Georgia Department of Corrections (Colwell Probation Detention Center) FY-2027.

6. Consider Renewal of 2026-2027 Apex Liability Insurances (Auto, Property, Equipment, Public Safety, Cyber) through Tokio Marine HCC with a premium increase of up to 4%

   Ms. Ritchie discussed the item. She stated that the renewal coverage will remain the same with a cost increase of 4%.

   Motion by Council Member McDonald, seconded by Council Member McClure and voted, unanimously, to approve the renewal of 2026-2027 Apex Liability Insurances (Auto, Property, Equipment, Public Safety, Cyber) through Tokio Marine HCC with a premium increase of up to 4%.

CALLED MEETING/MEETING MINUTES

7. Approve May 18, 2026 Meeting Minutes

   Motion by Council Member McDonald, seconded by Council Member Sutton and voted, unanimously, to approve the May 18, 2026 Meeting Minutes.

EXECUTIVE SESSION MINUTES

8. Approve May 18, 2026 Executive Session Minutes

   Motion by Council Member McClure, seconded by Council Member Bowen and voted, unanimously, to approve the May 18, 2026 Executive Session Minutes.

CITY ATTORNEY KEITH WHITAKER

Mr. Whitaker did not have any items to report.

CITY MANAGER KEVIN HARRIS

Mr. Harris did not have any items to report.

ANNOUNCEMENTS

Ms. Ritchie gave the announcements.

9. The First Budget Hearing will be held at a Called Meeting Thursday, June 4, 2026, at 8:30 a.m.at the Oak Springs Community Center/Police Department
10. The White County Water Authority Meeting is scheduled for Thursday, June 11, 2026, at 7:30 a.m. at the White County Water Authority
11. The Second Budget Hearing and Adoption will be held at a Called Meeting Monday, June 15, 2026, at 6:00 p.m.at the Oak Springs Community Center/Police Department
12. The next Cleveland City Council Meeting is scheduled for Monday, June 15, 2026, at 6:30 p.m. at the Oak Springs Community Center/Police Department
13. The Planning and Zoning Meeting is scheduled for Thursday, June 25, 2026, at 6:30 p.m. at the Oak Springs Community Center/Police Department
14. The Mayor and Council Members plan to attend the 2026 Georgia Annual Convention from June 26 through June 30, 2026 at the Savannah Convention Center located at 1 International Drive, Savannah, Georgia

    Ms. Ritchie clarified that the Mayor and Council Members plan to attend the 2026 Georgia Municipal Association Annual Convention, rather than as previously stated.

EXECUTIVE SESSION

Motion by Council Member McClure, seconded by Council Member Bowen and voted, unanimously, to enter an Executive Session at 6:58 p.m.

15. Real Estate

Motion by Council Member Sutton, seconded by Council Member Bowen and voted, unanimously, to adjourn the Executive Session and return to the Meeting at 7:07 p.m.

Council Member McDonald opened the door to allow citizens to return to the regular meeting.

ADJOURN

Motion by Council Member Bowen, seconded by Council Member McClure and voted, unanimously, to adjourn the Meeting of June 1, 2026, at 7:08 p.m.

Cleveland City Council Called Meeting Minutes

Thursday, June 04, 2026 at 8:30 AM
Oak Springs Community Center, 342 Campbell Street, Cleveland, GA

CALL TO ORDER

Mayor Turner called the meeting to order at 8:30 a.m.

PRESENT:

Mayor Josh Turner, Council Members Nan Bowen (Mayor Pro Tem), Annie Sutton, Jeremy McClure, and C.J. McDonald

Also, present were City Manager Kevin Harris, and City Clerk Lisa Ritchie

INVOCATION

Council Member Nan Bowen gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

Motion by Council Member McClure, seconded by Council Member Sutton, and voted, unanimously, to approve the agenda.

PUBLIC HEARING

Mayor Turner opened the Public Hearing.

1. First Public Hearing - FY 2026/2027 Proposed Budget and Capital Improvements Plan (CIP)

   1) FY 2026/2027 Proposed Budget Presentation and Discussion

   2) FY 2026/2027 Proposed Capital Improvements Plan Budget Presentation and Discussion

   3) Public Comments

   Finance Director John Solmon addressed the Mayor and Council, presenting the proposed Fiscal Year 2026–2027 Budget and Capital Improvements Plan.

   Mr. Solmon reported that the proposed General Fund reflects an increase of 4.83%, while maintaining Public Safety as the City's top priority, accounting for 57.6% of the budget. He further stated that the total proposed General Fund budget for FY 2026–2027 is $9,146,681.00.

   Mr. Solmon provided an overview of the Capital Improvements Plan projects for FY 2026–2027.

   There were no comments from the public.

   Mayor Turner closed the Public Hearing.

ADJOURN

Motion by Council Member Bowen, seconded by Council Member Sutton and voted, unanimously, to adjourn the Called Meeting of June 4, 2026, at 8:51 a.m.

Approved this _____ day of _____, _____.

_____		_____	
Josh Turner	Mayor	Jeremy McClure	Council Member District 3
_____		_____	
Nan Bowen	Council Member District 1 Mayor Pro Tem	C.J. McDonald	Council Member District 4
		ATTEST:	
_____		_____	
Annie Sutton	Council Member District 2	Lisa A. Ritchie	City Clerk