

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION AGENDA – THURSDAY, DECEMBER 2, 2021  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
6:00 PM**

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**A. ROLL CALL**

**B. OPENING PRESENTATIONS**

1. Proclamation Recognizing the Dawson County 3rd Grade Youth Tigers as the 2021 Mountain Football League Super Bowl Champions- Parks & Recreation Director Matt Payne
2. Creating a Youth Program for Juveniles in Dawson County- John Cahill

**C. INVOCATION**

**D. PLEDGE OF ALLEGIANCE**

**E. ANNOUNCEMENTS**

**F. APPROVAL OF MINUTES**

1. Minutes of the Joint Meeting held on November 17, 2021
2. Minutes of the Work Session held on November 18, 2021
3. Minutes of the Voting Session held on November 18, 2021

**G. APPROVAL OF AGENDA**

**H. PUBLIC COMMENT**

**I. PUBLIC HEARING**

1. Proposed Short-Term Rental / Bed and Breakfast Establishment Ordinance

**J. UNFINISHED BUSINESS**

1. Consideration of Request to Update Tax Commissioner's Resolutions (*Tabled from the November 18, 2021, Voting Session*)

**K. NEW BUSINESS**

1. Consideration of Proposed "Butterfly Oasis @ River Park" Project
2. Consideration of Board Appointment:
  - a. Long Range Planning Committee**
    - i. Steve Pawlik- *replacing Tim Costley*
3. Consideration of a Resolution Concerning Memorandum of Understanding for Opioid Litigation Settlement
4. Ratification of Amendment to FY 2022 Budget

**L. PUBLIC COMMENT**

**M. ADJOURNMENT**

*Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons.*



**DAWSON COUNTY  
BOARD OF COMMISSIONERS**

**IN RECOGNITION  
OF DAWSON COUNTY  
3<sup>RD</sup> GRADE YOUTH TIGERS  
MOUNTAIN FOOTBALL LEAGUE CHAMPIONS**

**PROCLAMATION**

WHEREAS, the Dawson County 3<sup>rd</sup> Grade Youth Football Tigers consists of young men who live and attend school in Dawson County;

WHEREAS, they have worked diligently through the summer and fall seasons to prepare themselves for competition;

WHEREAS, they have represented Dawson County wonderfully in not only athletic achievement but with dignity and sportsmanship. They represented Dawson County in the Mountain Football League, which is an extension of the Mountain Athletic Conference. They had a wonderful season with only one loss, but fought hard throughout the playoffs and won the 2021 Mountain Football League 3<sup>rd</sup> Grade Super Bowl hosted here at our own Dawson County High School;

WHEREAS, the Dawson County Board of Commissioners does hereby commend the 2021 Dawson County 3<sup>rd</sup> Grade Tigers team for its talents, dedication, hard work and congratulates the team for its accomplishments; and

WHEREAS, the Dawson County Board of Commissioners does hereby bestow its best wishes for continued success in all future endeavors to these young men and know that the future of football in Dawson County is very bright;

NOW, THEREFORE, the Dawson County Board of Commissioners does hereby proclaim December 2, 2021, as

Dawson County 3<sup>rd</sup> Grade Tigers Football Day.

Attest:

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Kristen Cloud, County Clerk

**DAWSON COUNTY BOARD OF COMMISSIONERS  
AND LONG RANGE PLANNING COMMITTEE  
JOINT MEETING MINUTES – NOVEMBER 17, 2021  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
9:00 AM**

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**ROLL CALL:** Those present were Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Manager David Headley; County Clerk Kristen Cloud; and interested citizens of Dawson County. District 2 Commissioner Chris Gaines and County Attorney Angela Davis were not present.

Those present from the Long Range Planning Committee were Chair Terri Tragesser, Vice Chair Gary Pichon, Jane Graves, Cal Miller and Hugh Stowers. Jo Brewer was not present.

**INVOCATION:** Chairman Thurmond

**PLEDGE:** Chairman Thurmond

**ANNOUNCEMENTS:**

Chairman Thurmond announced that November 17, 2021, was GIS Day.

**APPROVAL OF AGENDA:**

Motion passed 3-0 to approve the agenda as presented. Fausett/Satterfield

**PUBLIC COMMENT:**

Helen Heinle, Kelly Bridge Road, Dawsonville, Georgia, said she lives in the southwest portion of Dawson County. She said she purchased her 20-acre property in 1990 and that her area of the county includes rural homesteads, small and large farms, etc., “and we want to protect our lifestyle - which we enjoy an agrarian lifestyle.” Heinle added that she came to Dawson County because she was “amazed” at how much rural land and natural resources it has, and “I hope we can maintain a maximum of that,” she noted. She said she considers it important to maintain rural areas and farms and to also incorporate green space in higher-density developments / areas. Heinle reviewed several websites and books that she said she has found useful in her research. She also voiced concerns regarding traffic in Dawson County.

**NEW BUSINESS:**

Long Range Planning Committee Report on 2021 Committee Activities

Discussion of 2022 Long Range Planning Committee Work Schedule

The Board of Commissioners and Long Range Planning Committee (LRPC) discussed the New Business items.

\*\*\* A “Discussion Points” document provided by the LRPC to guide the meeting’s discussion is enclosed with these minutes.

**ADJOURNMENT:**

APPROVE:

ATTEST:

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Kristen Cloud, County Clerk

DRAFT

**DISCUSSION POINTS**  
**November 17, 2021**  
**BOC/LRPC Joint Meeting**

**Transportation Planning:**

**400/53 Design Guidelines - Move forward with 400 and continue to work on the Highway 53**

**Access management to address future planning for large tracks of land bordering 53 - potential DRI's and large scale residential projects**

**Hwy 53 widening as a priority - GDOT project work program and funding (Dawson collaborating with adjacent counties)**

**Funding Dawson's road program will require another run at the T-SPLOST referendum**

**Maintaining an acceptable level of service on 400 to protect the commercial sales tax base**

**Document Review:**

**Continue work on the Comprehensive Plan update**

**On going Land Use Map review and revisions**

**Identify environmental and conservation worthy areas that are special to our residents and look for ways to preserve them.**

**Continue to encourage green way paths for public enjoyment and partner with businesses to develop economic opportunities for public enjoyment**

**DISCUSSION POINTS**  
**November 17, 2021**  
**BOC/LRPC Joint Meeting**  
**Page 2 of 2**

**Staffing:**

**Need to maintain adequate growth management staffing levels in Planning & Development and Public Works to review proposed projects and provide adequate oversight as development occurs.**

**Communication:**

**Recommend an annual round top with Pickens, Hall, Lumpkin and Forsyth to share information on transportation road network planning and protection of water quality of shared water resources.**

**Develop a mechanism for the various advisory boards to share information and be kept current for purposes of working toward shared goals.**

**DAWSON COUNTY BOARD OF COMMISSIONERS  
WORK SESSION MINUTES – NOVEMBER 18, 2021  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
4:00 PM**

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*Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Manager David Headley; County Attorney Jeffrey Strickland; County Clerk Kristen Cloud; and interested citizens of Dawson County.*

**NEW BUSINESS**

1. Presentation of Proposed “Butterfly Oasis @ River Park” Project- Rotary Club of Dawson County’s Brooke Anderson  
*This item will be placed on the December 2, 2021, Voting Session Agenda.*
2. Presentation of Request to Release a Request for Proposal for Operation and Management of Glamping Sites at War Hill Park- Parks & Recreation Director Matt Payne / Purchasing Manager Melissa Hawk  
*This item, also presented by Timberline Glamping Company’s Nathan Self, will be added to the November 18, 2021, Voting Session Agenda.*
3. Presentation of Board Appointment:
  - a. **Long Range Planning Committee**
    - i. Steve Pawlik- replacing Tim Costley  
*This item will be placed on the December 2, 2021, Voting Session Agenda.*
4. Presentation of a Resolution Concerning Memorandum of Understanding for Opioid Litigation Settlement- County Attorney Angela Davis  
*This item, presented by County Attorney Jeffrey Strickland, will be placed on the December 2, 2021, Voting Session Agenda.*
5. Presentation of Request to Apply for and Accept a FY 2022 Emergency Management Performance Grant- Emergency Services Director Danny Thompson  
*This item will be added to the November 18, 2021, Voting Session Agenda.*
6. County Manager Report  
*This item was for information only.*
7. County Attorney Report  
*County Attorney Strickland had no information to report.*

APPROVE:

ATTEST:

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Billy Thurmond, Chairman

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Kristen Cloud, County Clerk



**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION MINUTES – NOVEMBER 18, 2021  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
6:00 PM**

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**ROLL CALL:** Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Manager David Headley; County Attorney Jeffrey Strickland; County Clerk Kristen Cloud; and interested citizens of Dawson County.

**INVOCATION:** Chairman Thurmond

**PLEDGE OF ALLEGIANCE:** Chairman Thurmond

**ANNOUNCEMENTS:**

Chairman Thurmond announced that county offices would be closed November 25 and 26, 2021, for the Thanksgiving holiday.

**APPROVAL OF MINUTES:**

Motion passed 4-0 to approve the Minutes of the Work Session held on November 4, 2021. Dooley/Satterfield

Motion passed 4-0 to approve the Minutes of the Voting Session held on November 4, 2021. Fausett/Gaines

**APPROVAL OF AGENDA:**

Motion passed 4-0 to approve the agenda with the following change:

- Addition of Nos. 11 and 12 under New Business:
  - Request to Release a Request for Proposal for Operation and Management of Glamping Sites at War Hill Park
  - Ratification of Request to Apply for and Accept a FY 2022 Emergency Management Performance Grant
- Removal of No. 2 under New Business (at the request of Chief Superior Court Judge Kathlene Gosselin):
  - Creation of a New Traffic Bureau Division

Gaines/Fausett

**PUBLIC COMMENT:**

None

**PUBLIC HEARING:**

**Resolution to Adopt a Greenway and Trail Master Plan**

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on a Resolution to Adopt a Greenway and Trail Master Plan and, hearing none, closed the hearing.

Motion passed 4-0 to approve a Resolution to Adopt a Greenway and Trail Master Plan. Gaines/Dooley

**ZONINGS:**

Chairman Thurmond announced that if anyone contributed more than \$250 to the commissioners or chairman in the past two years and wished to speak they would have to fill out a disclosure form, which would be made available to them. Under normal program, 10 minutes is given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

**ZA 21-19 - Tony Singleton requests to rezone TMP 094-053 from RSR (Residential Sub-Rural) to RSRMM (Residential Sub-Rural Manufactured Moved).**

Planning & Development Director Sharon Farrell said the applicant owns a little more than 7 acres and wishes to rezone for a mobile home use. She said two mobile homes currently are on the property. She said the Planning Commission recommended approval of the application.

Applicant Tony Singleton said his parents gave him the property and that he eventually plans to give the property to his daughter. He said he wishes to put a [third] mobile home on the property in order to provide affordable housing for his daughter. Singleton said the mobile home will be situated so that, if his daughter chooses to someday build a house on the property, she can live in the mobile home while a house is being built and the mobile home can later be easily moved off the property.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 4-0 to approve ZA 21-19. Fausett/Satterfield

**ZA 21-21 - Jim King requests to rezone TMP 098-015, 098-016-001 and 098-016-002 from RA (Residential Agriculture) to RS3 (Residential Suburban 3) for the purpose of developing a 379-lot subdivision (Highway 9 South / Goodson Road).**

**VR 21-08 - Jim King requests a variance to the Dawson County Subdivision Regulations Article X Section 1003.D minimum lot width reduction - TMP 098-015, 098-016-001 and 098-016-002.**

**(POSTPONEMENT REQUESTED BY THE APPLICANT; PUBLIC HEARING WILL NOT BE CONDUCTED UNTIL DATE TO BE ADVERTISED IN THE FUTURE.)**

Applicant Jim King requested ZA 21-21 and VR 21-08 be postponed until December 16, 2021.

Motion passed 4-0 to postpone ZA 21-21 and VR 21-08 until December 16, 2021. Satterfield/Fausett

**UNFINISHED BUSINESS:**

**Proposed FY 2022 Budget (Tabled from the November 4, 2021, Voting Session)**

The Board of Commissioners reviewed, discussed and made recommendations concerning a Proposed FY 2022 Budget.

Motion passed 4-0 to approve a Proposed FY 2022 Budget – all funds in the amount of \$57,281,168. Fausett/Satterfield

**NEW BUSINESS:**

**Consideration of RFP #377-21 - Construction Services-Comprehensive Security System Upgrade for Dawson County**

Motion passed 4-0 to approve RFP #377-21 – Construction Services-Comprehensive Security System Update for Dawson County; to accept the offers received and approve a contract to South Western Communications for the Comprehensive Security System Upgrade project not to exceed \$2,075,409.40, utilizing the Capital Fund in the amount of \$1,405,500 previously approved and \$669,909.40 from General Fund's fund balance - to be reimbursed by Special Purpose Local Option Sales Tax VII funds approved for the upgrade. Fausett/Dooley

**Consideration of the Creation of a New Traffic Bureau Division**

This item was removed from the agenda.

**Consideration of Request to Upgrade Part-Time Tax Commissioner's Clerk Position to Full-Time Position**

Motion passed 4-0 to approve a Request to Upgrade a Part-Time Tax Commissioner's Clerk Position to a Full-Time Position and to amend the FY 2022 Budget to reflect an increase of \$33,223.76 to fund the upgraded position. Gaines/Fausett

**Consideration of Request to Update Tax Commissioner's Resolutions**

Motion passed 4-0 to table a Request to Update Tax Commissioner's Resolutions until December 2, 2021. Fausett/Dooley

**Consideration of Request to Apply for Georgia Forestry Grant**

Motion passed 4-0 to approve a Request to Apply for a Georgia Forestry Grant. Satterfield/Fausett

**Consideration of 2021 Dawson County Surplus List**

Motion passed 4-0 to approve a 2021 Dawson County Surplus List. Dooley/Fausett

**Consideration of Rate Adjustments for Recreation Programs**

Motion passed 4-0 to approve Rate Adjustments for Recreation Programs. Satterfield/Gaines

**Consideration to Move Forward to a Public Hearing for a Proposed Short-Term Rental / Bed and Breakfast Establishment Ordinance**

Motion passed 4-0 to approve to Move Forward to a Public Hearing for a Proposed Short-Term Rental / Bed and Breakfast Establishment Ordinance. Fausett/Gaines

**Consideration of RFP #394-21 - Delinquent Debt Collection for EMS Billing**

Motion passed 4-0 to approve RFP #394-21 - Delinquent Debt Collection for EMS Billing. Gaines/Satterfield

**Ratification of No Reserve for Parcels Included in IFB #399-21 - Sale of Surplus Real Property Owned by Dawson County Board of Commissioners**

Motion passed 4-0 to ratify No Reserve for Parcels Included in IFB #399-21 - Sale of Surplus Real Property Owned by Dawson County Board of Commissioners. Satterfield/Gaines

*Consideration of Request to Release a Request for Proposal for Operation and Management of Glamping Sites at War Hill Park*

Motion passed 4-0 to approve a Request to Release a Request for Proposal for Operation and Management of Glamping Sites at War Hill Park. Fausett/Dooley

*Ratification of Request to Apply for and Accept a FY 2022 Emergency Management Performance Grant*

Motion passed 4-0 to ratify a Request to Apply for and Accept a FY 2022 Emergency Management Performance Grant. Dooley/Fausett

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

APPROVE:

ATTEST:

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Kristen Cloud, County Clerk



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 11.04.2021

Prepared by: Sharon O. Farrell

Voting Session: 11.18.2021

Presenter: Sharon O. Farrell

Public Hearing: Yes x No

Agenda Item Title: Presentation of the proposed short-term rental/bed and breakfast establishment ordinance.

### Background Information:

Dawson County adopted a Bed and Breakfast Ordinance in 2004 and a short term rental ordinance in 2020. The codes have been combined and updated to meet state law.

### Current Information:

Staff requests consideration to move forward to a public hearing with an ordinance that strengthens standards for permitting and development standards of *Bed and Breakfast Establishments* and *Short-term Rentals* of privately owned residential structures rented to transient occupants, to minimize adverse effects of Short-term Rental uses on surrounding residential neighborhoods.

Budget Information: Applicable: \_\_\_\_\_ Not Applicable: **X** Budgeted: Yes \_\_\_\_\_ No \_\_\_\_\_

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Approval to place on public hearing agenda

Department Head Authorization: SO.Farrell

Date: 10/27/2021

Finance Dept. Authorization: Vickie Neikirk

Date: 10/27/21

County Manager Authorization: David Headley

Date: 10-27-2021

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Comments/Attachments:

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THE BOARD OF COMMISSIONERS OF DAWSON COUNTY, GEORGIA: TO PROVIDE REGULATIONS FOR SHORT-TERM RENTAL AND BED AND BREAKFAST ESTABLISHMENTS; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES.

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the public health, safety, and welfare, and to adopt appropriate measures to enforce those ordinances; and

**WHEREAS**, in the interests of the health, safety, and general welfare of the citizens of Dawson County, Georgia, the Board of Commissioners of Dawson County desires to exercise its authority to adopt an ordinance regulating Short-term Rentals and Bed and Breakfast Establishments; and

**WHEREAS**, appropriate notice and hearing on the ordinance contained herein have been carried out according to general and local law.

**NOW, THEREFORE**, the Board of Commissioners hereby ordains as follows:

Section 1. The language attached hereto as Exhibit “A,” and incorporated herein by reference as if fully set forth herein, is hereby adopted and approved, and shall be codified as Article V in Chapter 30 of the Code of Dawson County, Georgia.

Section 2. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

Section 3. It is the express intent of the Board of Commissioners of Dawson County, Georgia that this Ordinance be consistent with both federal and state law. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. This Ordinance shall become effective sixty (60) days following the date of adoption.

**BE IT RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DAWSON COUNTY

ATTEST

By: \_\_\_\_\_

Billy Thurmond, Chairman

Board of Commissioners

By: \_\_\_\_\_

Kristen Cloud

County Clerk

Dates of Public Hearing:

Dates of Advertising:

## Exhibit A

### Article V. – SHORT-TERM RENTALS AND BED AND BREAKFAST ESTABLISHMENTS

#### **Sec. 30-500 – Purpose**

- (a) The purpose of this Article is to establish standards for Bed and Breakfast Establishments and Short-term Rentals of privately owned residential structures rented to transient occupants, minimize adverse effects of Short-term Rental uses on surrounding residential neighborhoods, and preserve the character of neighborhoods in which Short-term Rental use occurs.
- (b) This Article is not intended to regulate hotels, motels, or non-Short-term Rental or non-Bed and Breakfast Establishments including, but not limited to, boarding houses, lodging houses, or rooming houses, or an individual providing long term rental (more than 30 days) of their home.

#### **Sec. 30-501 - Definitions**

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

*Applicant:* all persons who are required to sign an application for a Short-term Rental or Bed and Breakfast Establishment permit.

*Bed and Breakfast Establishment:* A dwelling occupied by a family and used incidentally to provide overnight accommodation and meals to transient travelers, operated by an owner or designated operator-in-residence, with a maximum number of rented units being six.

*Bedroom:* A room that meets the building code requirements to be used as a sleeping room and for no other primary purpose.

*Building Official:* An official designated by the county to enforce the provisions of the applicable building code and other applicable laws.

*Certificate of Occupancy:* A certificate issued by the Building Official of Dawson County indicating that upon examination and inspection at the time of the completion of work done on the dwelling, dwelling unit, building or structure 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 construction codes.



*Hotel:* any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio, hotel, motel, motor hotel, auto court, inn, 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. Such term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention center or other buildings in which human beings are housed and detained under legal restraint or for medical reasons.

*Hotel/Motel Tax:* A state tax imposed on homes being rented for thirty (30) days or less, paid on a monthly basis.

*Labeled Floor Plan:* A drawing showing the location of the rooms in the home.

*Natural Person:* A human being as distinguished from a person (as a corporation) created by operation of law.

*Noise Ordinance:* Regulations that pertain to the amount and duration of noise that affects the community.

*Owner:* A person that holds legal rights to the Property.

*Paid Tax Receipt:* A tax receipt showing that the property taxes have been paid on said Property.

*Permit Administrator:* The employee designated by the Board of Commissioners for the administration of this Article

*Property:* A residential legal lot of record on which a Short-term Rental or Bed and Breakfast Establishment is intended to be located.

*Septic Tank Permit:* A document obtained from the Dawson County Health Department showing the size of the tank and number of bedrooms associated with a specific home.

*Short-term Rental:* An accommodation for transient guests within a dwelling unit, whether the entire unit or any portion thereof, rented for the purpose of overnight lodging, for a period of not less than two (2) nights, and not more than thirty (30) consecutive nights. For purposes of this definition, a Short-term Rental shall include all housing types, but shall exclude Bed and Breakfast Establishments.

*Short-term Rental Agent or Bed and Breakfast Agent:* a person who is at least 21 years of age designated by the Owner of a Short-term Rental or Bed and Breakfast Establishment on the permit application. Such person shall be available for and responsive to contact 24 hours a day, 7 days a week, and within two (2) hours after being contacted by a duly authorized representative of Dawson County. Such person, firm, or agency shall be legally responsible for ensuring that all occupants and/or guests of a Short-term Rental or Bed and Breakfast Establishment comply with all applicable rules and regulations.

*Permittee:* a person who obtains a permit for a Short-term Rental or Bed and Breakfast Establishment.

*Subdivision:* Property that has been divided into three (3) or more smaller pieces.

*Tourist Accommodation Permit:* A permit issued by Dawson County Environmental Health Office to allow overnight accommodations and breakfast.

*Trash:* Discarded Matter, Refuse

*Zoning:* The classification of real property and delineating permitted and prohibited uses of said real property depending on a prescribed zoning classification along with other rules to be followed such as building heights and setbacks.

### **Sec. 30-502 – Short-term Rental Permit Required**

No person shall rent, lease, or otherwise exchange for compensation or advertise for such all or any portion of a dwelling, dwelling unit, building, or structure as a Short-term Rental without first obtaining a Short-term Rental permit pursuant to the regulations contained herein.

### **Sec. 30-503 – Bed and Breakfast Establishment Permit Required**

No person shall rent, lease, or otherwise exchange for compensation all or any portion of a dwelling, dwelling unit, building, or structure as a Bed and Breakfast Establishment without first obtaining a Bed and Breakfast Establishment permit pursuant to the regulations contained herein.

### **Sec. 30-504 – Application for permit**

- (a) An Owner of a proposed Short-term Rental or Bed and Breakfast Establishment shall submit an application for a Short-term Rental permit or a Bed and Breakfast permit to the Dawson County Planning and Development Department. All applications shall be fully completed by the Applicant and sworn to and signed by the Applicant in the presence of

a notary public or other officer authorized to administer oaths. If the Owner is not a Natural Person, then the Applicant must certify he or she has the actual authority to submit the application on behalf of the Owner. All applications shall be on a form specified by Dawson County.

(b) All applications shall be accompanied by a non-refundable application fee as set forth in the Dawson County Planning and Development Fee Schedule.

(c) All applications shall include:

- (1) The name, address, telephone number, and email address of the Owner(s) of record of the Property. If such Owner is not a natural person, the application shall identify all partners, officers, and/or directors of any such entity, including personal contact information for each such Natural Person, including address, telephone number, and email address;
- (2) The address of the Property to be used as a Short-term Rental or Bed and Breakfast Establishment;
- (3) The current zoning classification and Tax Map and Parcel number for the Property;
- (4) The name, address, telephone number, and email address of the designated Short-term Rental Agent or Bed and Breakfast Agent;
- (5) The Owner's sworn acknowledgement that he or she has reviewed and understands all regulations of the County pertaining to the operation of Short-term Rentals and/or Bed and Breakfast Establishments, as applicable;
- (6) The number of off-street parking spaces allotted to the Property;
- (7) The number of bedrooms and approximate square footage in the Short-term Rental or Bed and Breakfast Establishment, and a statement of the maximum number of overnight and daytime occupants, as allowed by this Article;
- (8) The Owner's agreement to use his or her best efforts to assure that use of the Property by Short-term Rental or Bed and Breakfast Establishment occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their property;
- (9) Any other information that this Article requires the Owner to provide to Dawson County as part of the application process. The Permit Administrator or his or her designee shall have the authority to obtain any additional information from the Applicant as necessary to achieve the objectives of this Article.

(d) Attached to and concurrent with submission of the application described in this Section, the Owner shall provide:

- (1) Proof of Owner's current ownership of the Property;

- (2) A Paid Tax Receipt for the most current year taxes paid for the Property;
- (3) If the Property is not serviced by public sewer, a Septic Tank Permit or other appropriate documentation from the Dawson County Environmental Health Office which denotes the number of bedrooms permitted for the Property;
- (4) A Labeled Floor Plan of the dwelling, dwelling unit, building or structure to be used as a Short-term Rental or Bed and Breakfast Establishment;
- (5) A written certification from the Owner verifying compliance with the requirements of Section 30-510;
- (6) A copy of the Owners or Owner's agents' government issued photo identification card (i.e. driver's license or other legal identification card); and
- (7) Proof of insurance for the Short-term Rental and/or Bed and Breakfast Establishment.
- (8) Proof of professional trash service for the Short-term Rental and/or Bed and Breakfast Establishment, with documentation indicating designated trash collection days.

#### **Sec. 30-505 - Grant or denial of application**

- (a) Prior to the issuance of a permit under this Article, the Permit Administrator, or his or her designee, shall provide written notice of the application to all owners of record of property adjacent to the Property proposed to be used as a Short-term Rental or Bed and Breakfast Establishment. Such notification shall include:
  - (1) The street address of the proposed Short-term Rental or Bed and Breakfast Establishment;
  - (2) The location of any on-site parking for Short-term Rental or Bed and Breakfast Establishment occupants;
  - (3) Applicable maximum occupancy requirements; and
  - (4) The name of the Property Owner.
- (b) Review of an application submitted under this Article, including renewal applications, shall be conducted by the Permit Administrator, or his or her designee, and a permit shall be issued or the application denied within fifteen (15) business days of receipt of a completed application.
- (c) An application or renewal may be denied if:
  - (1) The Applicant has had any other permit issued under this Article revoked within the immediately preceding twelve (12) month period;
  - (2) The Property is not current on its property taxes;

- (3) There is a history of complaints regarding the Property or the Owner or operator of the Short-term Rental or Bed and Breakfast Establishment, as applicable, as determined in the sole good faith discretion of the Permit Administrator;
  - (4) The Health Department notifies the County of an inadequate septic system or other health concerns;
  - (5) There are violations of the Code of Dawson County, Georgia on the Property;
  - (6) The Homeowner's Association of the relevant neighborhood provides covenants or other legal documents preventing Short-term Rentals or Bed and Breakfast Establishments from operating on the Property; or
  - (7) The Applicant fails to meet the conditions and/or requirements of this Article, or otherwise fails to demonstrate the ability to comply with any other local, state, or federal law.
- (d) A decision to deny a permit shall be provided to the Applicant in writing and delivered to the Applicant by certified mail.

#### **Sec. 30-506 - Duty to notify Dawson County of material change to application**

The Owner, Applicant, and/or Permittee maintain a duty to provide written notice to Dawson County of any material change to information listed on the application, which shall be provided within three (3) business days of such change unless otherwise noted in this Article.

#### **Sec. 30-507 – Maximum Occupancies**

##### **(a) Short-term Rentals:**

- (1) The maximum overnight occupancy (between the hours of 10 p.m. and 8 a.m.) of any Property to be used as a Short-term Rental shall be limited to two (2) persons per bedroom plus two (2) additional persons;
- (2) The maximum daytime occupancy (between the hours of 8 a.m. and 10 p.m.) of any Property to be used as a Short-term Rental shall be the maximum overnight occupancy times two (2). For example, if a five-bedroom house is rented, the maximum occupancy between 8:00 a.m. and 10:00 p.m. would be twelve (12) Short-term Rental overnight occupants and twelve (12) guests, for a total of twenty-four (24) persons.
- (3) Only six (6) bedrooms may be rented regardless of the total number of bedrooms, provided however, that ten (10) bedrooms may be rented on properties of five (5) or more acres, subject to the number of bedrooms noted by the Dawson County Environmental Health Office.

- (b) Bed and Breakfast Establishments: The maximum overnight occupancy of any Property to be used as a Bed and Breakfast Establishment shall be based on the number of bedrooms less one, with an overall maximum of six (6) bedrooms, with no more than two (2) persons per bedroom. For example, if a five-bedroom house is being used as a Bed and Breakfast Establishment, the occupancy would be calculated by not counting one bedroom (caretakers room) and then multiplying the number of remaining bedrooms, four (4) bedrooms, by two (2), with a maximum of eight (8) overnight occupants.
- (c) The maximum occupancies set forth in this section shall be based on the number of bedrooms set forth in the documentation from the Dawson County Environmental Health Office which denotes the number of bedrooms permitted as referenced in Section 30-504(d)(3) above.

### **Sec. 30-508 – Parking**

- (a) No parking for any purposes shall be allowed on the street on which the Short-term Rental or Bed and Breakfast Establishment is located or any adjacent street thereto.
- (b) Sufficient parking must be provided for every Short-term Rental or Bed and Breakfast Establishment occupant to park his or her vehicle off the street with a minimum of one parking space per bedroom;
- (c) No motorhomes, campers or the like shall be parked or hooked up to utilities at any Short-term rental or Bed and Breakfast Establishment property.

### **Sec. 30-509-Solid Waste**

The Owner of any Short-term Rental or Bed and Breakfast Establishment shall provide adequate solid waste receptacles with closable lids to prevent wildlife incursion, as well as professional solid waste collection and disposal services for the Property. Said receptacles shall be secured except on days when trash pickup occurs.

### **Sec. 30-510- Life Safety and Sanitation**

- (a) All designated bedrooms, including egress from all bedrooms, shall comply with all applicable safety codes as were in effect on the date the Short-term Rental or Bed and Breakfast Establishment was issued a Certificate of Occupancy.
- (b) Every bedroom, adjoining hallway, and common area shall be equipped with an operational smoke detector that meets current IRC standards and shall be maintained in good working order at all times. The placement and mounting of each smoke detector shall comply with all applicable requirements of the current IRC.

- (c) Each habitable floor shall be equipped with an operational carbon monoxide detector that meets applicable state law requirements and shall be maintained in good working order at all times.
- (d) Each floor of a Short-term Rental or Bed and Breakfast Establishment shall be equipped with a fire extinguisher that is fully charged, not past expiration date, and that meets all National Fire Protection Association (NFPA) standards, including those as set forth in NFPA 10: Standard for Portable Fire Extinguishers.
- (e) Private swimming pools shall comply with the current International Swimming Pool and Spa Code.
- (f) The Owner shall maintain a house number that is visible from the street at all times.

### **Sec. 30-511 – Postings on Property**

- (a) The following shall be posted in a conspicuous place near the main entry door of the dwelling, dwelling unit, building or structure used as a Short-term Rental or Bed and Breakfast Establishment:
  - (1) The Short-term Rental permit or Bed and Breakfast Establishment permit;
  - (2) The maximum overnight occupancy and maximum daytime occupancy of the Short-term Rental or Bed and Breakfast Establishment;
  - (3) Rules and regulations for occupants to view in order to promote compliance with this Article.
  - (4) Tourist Accommodation Certificate provided by the Dawson County Environmental Health Office (Bed and Breakfast Establishments Only).
  - (5) An emergency exit route map with the 911 emergency number clearly denoted.
  - (6) The number of vehicles which may be parked on the Property.

### **Sec. 30-512 – Guest Rules**

The following are the minimum rules to be published and displayed in a conspicuous place as described in Sec. 30-511(a)(3) of this Article:

- (1) Please respect the neighborhood and your neighbor's right to quiet enjoyment of their home. Loud music and noise are prohibited by the Dawson County Noise Ordinance. Quiet time: 10 p.m. to 7 a.m. on weekdays and 10:00 p.m. to 8:00 a.m. on weekends and holidays.
- (2) Overnight guests shall not exceed the property's posted occupancy.

- (3) All rental properties are designed for residential use consistent with the Dawson County Land Use Resolution. Large groups, events, receptions or the like which exceeds the maximum daytime occupancy of the property is prohibited.
- (4) Cars may not be parked on the street and must remain on the property associated with said Short-term Rental or Bed and Breakfast Establishment in designated parking areas.
- (5) Motor homes, campers, etc. are prohibited and may not be parked or hooked up at a Short-term Rental or Bed and Breakfast Establishment.
- (6) Garbage shall be bagged securely and placed in provided trash receptacles. Lids must be secured on trash receptacles to prevent wildlife incursions.

### **Sec. 30-513 – Additional Requirements**

- (a) *Access to a Short-term Rental.* The Property upon which a Short-term Rental or Bed and Breakfast Establishment is located must either front upon, and have access to, a County-maintained road by a minimum fifty (50) feet of road frontage, or if the property is located on a privately-owned road, the property owner must provide written authorization from the owner of the road granting access to County employees with authority to enforce this Article, including employees or agents of the County Marshals Office, Sheriff's Office, Fire Department, and Health Department, which shall authorize gate access, where applicable, for enforcement purposes.
- (b) *Advertising.* Any advertising of a Short-term Rental or Bed and Breakfast Establishment shall conform to information included in the permit and requirements of this Article, and shall include the permit number issued by the County.
- (c) The Short-term Rental or Bed and Breakfast Establishment must have a sewer connection or a septic system in good working order and capable of handling the number of bedrooms approved for rental.

### **Sec. 30-514 - Short-term Rental Agent; duties**

- (a) The Owner of a Short-term Rental shall designate a Short-term Rental Agent on its application for a Short-term Rental permit 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.
- (b) An Owner may designate himself or herself as the Short-term Rental Agent, or may designate any other Natural Person over the age of 21. Alternatively, an Owner may retain a managing agent, managing agency, operator, or representative to serve as the Short-term Rental Agent 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 to comply with this Section shall be deemed noncompliance by the Owner.

- (c) An Owner may change his or her designation of a Short-term Rental Agent temporarily or permanently; however, there shall only be one such agent for a Property at any given time. To change the designated agent, the Owner shall notify the Dawson County in writing of the new agent's identity, together with all information regarding such person as required by this Article.
- (d) Any change in designation of the Short-term Rental Agent will not take effect until notice has been provided to Dawson County.
- (e) The Short-term Rental Agent shall:
  - (1) Respond to the Property 24 hours a day, 7 days a week, and within two (2) hours following notification from a duly authorized representative of Dawson County of the existence of a violation of this Article or any other provision of this Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the Short-term Rental. This includes, but is not limited to, notification that occupants of the Short-term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or have committed violations of Code of Dawson County, Georgia, or other applicable local, state or federal law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. This is not intended to impose a duty on the Short-term Rental Agent to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation.
    - i. Whether the Short-term Rental Agent shall be required to respond to the Property to address a violation, disturbance, or complaint shall be determined in the discretion of the County officer or employee responding to said violation, disturbance, or complaint.
    - ii. Nothing in this section shall be construed as limiting Dawson County or any officer or employee thereof in responding to any violation, disturbance, or complaint or taking any enforcement action under this Article.
  - (2) Receive and accept service of any notice of violation related to the use or occupancy of the Short-term Rental.
  - (3) Monitor the Short-term Rental for compliance with this Article.

### **Sec. 30-515 - Bed and Breakfast Establishment Owner/Agent; duties**

- (a) The Owner of a Bed and Breakfast Establishment shall designate a Short-term Rental Agent on its application for a Bed and Breakfast Establishment permit who has access and authority to assume management of the Bed and Breakfast Establishment and take remedial measures while the Bed and Breakfast Establishment is being rented to an occupant and/or guest.
- (b) An Owner may designate himself or herself as the Bed and Breakfast Agent, or may designate any other Natural Person over the age of 21. The Owner of the Bed and Breakfast Establishment is responsible for compliance with the provisions of this Section, and the failure of an agent to comply with this section shall be deemed noncompliance by the Owner.
- (c) An Owner may change his or her designation of a Bed and Breakfast Agent temporarily or permanently; however, there shall only be one such agent for a Property at any given time. To change the designated agent, the Owner shall notify the Dawson County in writing of the new agent's identity, together with all information regarding such person as required by this Article.
- (d) Any change in designation of the Bed and Breakfast Agent will not take effect until notice has been provided to Dawson County.
- (e) The Bed and Breakfast Agent shall:
  - (1) Reside on the Property of the Bed and Breakfast Establishment and be at least 21 years of age or older.
  - (2) Respond to the Property 24 hours a day, 7 days a week, and within two (2) hours following notification from a duly authorized representative of Dawson County of the existence of a violation of this Article or any other provision of this Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the Short-term Rental. This includes, but is not limited to, notification that occupants of the Bed and Breakfast Establishment have created unreasonable noise or disturbances, engaged in disorderly conduct, or have committed violations of the Code of Dawson County, Georgia, or other applicable local, state or federal law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. This is not intended to impose a duty on the Bed and Breakfast Agent to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation.
    - i. Whether the Bed and Breakfast Agent shall be required to respond to the Property to address a violation, disturbance, or complaint shall be

determined in the discretion of the County officer or employee responding to said violation, disturbance, or complaint.

- ii. Nothing in this section shall be construed as limiting Dawson County or any officer or employee thereof in responding to any violation, disturbance, or complaint or taking any enforcement action under this Article.

(3) Receive and accept service of any notice of violation related to the use or occupancy of the Property.

(4) Monitor the Bed and Breakfast Establishment for compliance with this Article.

### **Sec. 30-516 - Renewal of permit**

- (a) An approved Short-term Rental or Bed and Breakfast Establishment permit shall be valid for a period of three (3) years from the date issued.
- (b) Each application for renewal of a permit shall be approved or denied in accordance with the procedures prescribed in this Article.
- (c) Each application for renewal of a permit shall be submitted by 4:00 p.m. thirty (30) days prior to the permit expiration date. Any Permittee who has not submitted the renewal application and required fee by 4:00 p.m. thirty (30) days prior to the permit expiration date shall pay a late charge as determined by the Dawson County Board of Commissioners and set forth in Dawson County Planning and Development Fee Schedule. If the renewal deadline date falls on a Saturday or Sunday, the renewal deadline shall be the following Monday.
- (d) Any application received after the permit expiration date shall be treated as an initial application and the Applicant shall be required to comply with all rules and regulations for the granting of permits as if no previous permit had been held. This will include, but in no way be limited to, a reassessment of administrative fees and suspension of any and all rental activities during the reapplication process.

### **Sec. 30-517 – Transfer or Assignment**

No person to whom a permit has been issued shall transfer, assign or convey such permit to another person and no permit issued under this Article may be transferred or assigned or used at any location other than the location for which it is issued.

### **Sec. 30-518 – Cancellation of Permit**

Before the expiration of a permit, a Permittee may voluntarily cancel the permit by notifying Dawson County in writing of the intent to cancel the permit. The permit shall become void upon the receipt of written notice of intent to cancel the permit.

### **Sec. 30-519 – Suspension or Revocation of Certificate – Administrative Penalties**

- (a) Any false statements or false information provided in the application is grounds for denial, suspension or revocation of a permit under this Article, including the denial of future applications.
- (b) Any violations or noncompliance with the provisions of this Article are grounds for denial, suspension, or revocation of a permit, including denial of future applications.
- (c) *Discovery of an immediate health hazard.* Upon the discovery of an immediate health hazard to renters, the Permit Administrator shall suspend a permit issued under this Article until the hazard is remedied. If the hazard is not timely corrected, the permit may be revoked.
- (d) Reasons for revocation of a permit include, but are not limited to:
  - (1) Any permit issued under this Article shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the Owner or subject Property.
  - (2) A permit shall be immediately suspended or revoked 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 or other applicable ordinances and laws.
  - (3) A permit may be suspended or revoked in the case of three violations of this Article within a 12-month period.
  - (4) A permit may be suspended or revoked if the Property's use as a Short-term Rental constitutes a public nuisance.
  - (5) A permit shall be immediately suspended upon violation of any zoning, building, health, or safety code provision, and the Owner must demonstrate compliance with the applicable code prior to being eligible for reinstatement or to receive a subsequent permit.
- (e) Any suspension, revocation, or forfeiture of an issued permit shall occur only after notice and opportunity for a hearing before the Board of Commissioners consistent with the procedures set forth in this Article.

### **Sec. 30-520 - Permit fee**

The permit fee shall be a non-refundable fee amount as set forth in the Dawson County Planning and Development Fee Schedule, and as amended by the Dawson County Board of Commissioners from time to time. Permits are valid for three years from the date of issuance.

## **Sec. 30-521 – Taxes**

Short-term Rental and Bed and Breakfast Establishment Owners are subject to state sales tax, County taxes, including but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and the Code of Dawson County, Georgia. The County may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

## **Sec. 30-522 – Violation and Penalties – upon Citation in Magistrate Court**

- (a) Any violation of this Article, including any violation of the Noise Ordinance set forth in the Code of Dawson County, Georgia, shall subject the permit holder to the following progressive actions, except for those violations and occurrences set forth in Section 30-519 that provide for immediate suspension or revocation upon notice and hearing:
  - (1) The first violation within a consecutive 12-month period, which shall result in a fine in magistrate court not to exceed \$ 250.00 and a written warning notice of violation upon a finding of guilt or plea in magistrate court.
  - (2) The second violation within a consecutive 12-month period, which shall result in a fine in magistrate court not to exceed \$ 500.00 and a suspension of the permit for a period of not less than thirty (30) nor more than ninety (90) days upon a finding of guilt or plea in magistrate court.
  - (3) The third violation within a consecutive 12-month period, which shall result in a fine in magistrate court not to exceed \$ 1,000.00 and the revocation of the permit upon a finding of guilt or plea in magistrate court, and the Owner or Short-term Rental Agent/Bed and Breakfast Agent shall not be eligible to reapply for a permit for a period of twelve (12) months from the date of revocation.
- (b) Any violation of the provisions of this Article by the Owner, Short-term Rental Agent/Bed and Breakfast Agent, or, occupants and/or guests of a Short-term Rental or Bed and Breakfast Establishment shall be enforced in magistrate court to the full extent authorized by O.C.G.A. § 36-1-20. Enforcement actions may be brought against occupants and/or guests of a Short-term Rental or Bed and Breakfast Establishment for violations of this Article and any other provision of the Code of Dawson County, Georgia notwithstanding that enforcement actions may also be brought against the Owner or Short-term Rental Agent/Bed and Breakfast Agent responsible for the conduct constituting the violation. A finding of guilt or plea of guilty or nolo contendere for any violation of the provisions of this Article shall subject the Owner of a Short-term Rental or Bed and Breakfast Establishment to the administrative penalties as set forth in Section 30-522(a)(1-3) regardless of whether the finding of guilty is against, or the plea of guilty or nolo contendere was by, the Owner, Short-term Rental Agent/Bed and Breakfast Agent, or occupants and/or guests of a Short-term Rental or Bed and Breakfast Establishment.

- (c) Each day the Short-term Rental or Bed and Breakfast Establishment is advertised, marketed, or rented for overnight accommodation without the necessary permit required under this Article shall constitute a separate violation.
- (d) A property subject to this Article that has been advertised or listed via the internet or other media sources (e.g. [www.vrbo.com](http://www.vrbo.com), [www.airbnb.com](http://www.airbnb.com), etc.) as a Short-term Rental or as a Bed and Breakfast Establishment shall be prima facie evidence the property is being used as a Short-term Rental or Bed and Breakfast Establishment.
- (e) Failure of the Owner or Short-term Rental Agent/Bed and Breakfast Agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the Short-term Rental or Bed and Breakfast Establishment 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 Short-term Rental Agent/Bed and Breakfast Agent act as a peace officer or place himself or herself in an at-risk situation.
- (f) In addition to the penalties described above, any person violating the provisions of this Article by operating a Short-term Rental or Bed and Breakfast Establishment without a valid permit under this Article may be prosecuted in magistrate court and upon conviction, shall be subject to a fine in an amount not to exceed \$1,000.00 or confinement in the county jail not to exceed 60 days or both.
- (g) Nothing contained in this subsection shall be construed to preclude the Board of Commissioners from suspending or revoking a permit for a period exceeding those periods identified in sections 30-522(a)(1),(2), or (3) or from revoking the permit if the Board determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the County.
- (h) In all cases, the mandatory suspension period may be mitigated by the Board of Commissioners upon presentation of evidence that the permit holder established practices and procedures to prevent the violation from occurring.

### **Sec. 30-523 – Enforcement**

- (a) To ensure continued application of the intent and purpose of the Article, any complaints received by Dawson County regarding a Short-term Rental or Bed and Breakfast Establishment shall result in a notice of the complaint being directed to the Short-term Rental Agent or the Bed and Breakfast Agent, as applicable. The Short-term Rental Agent or Bed and Breakfast Agent shall be responsible for contacting the occupants to correct any problem within one (1) hour, if applicable. As directed by a duly authorized officer or employee of Dawson County, the Short-term Rental Agent or Bed and Breakfast Agent is required to visit the Property to confirm compliance with this Article. However, nothing in this section shall be construed as limiting Dawson County or any officer or employee

thereof in responding to any violation, disturbance, or complaint, or taking any enforcement action under this Article.

- (b) The Permit Administrator, or his or her designee, shall investigate whenever there is reason to believe that an Owner, Occupant(s) and/or Short-term Rental Agent or Bed and Breakfast Agent has failed to comply with the provisions of this Article. The investigation may include an inspection of the Short-term Rental or Bed and Breakfast Establishment in accordance with applicable law, 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 Permit Administrator shall determine in his/her discretion whether to proceed with the administrative penalties set forth in Section 18-385 or upon citation to Magistrate Court as set forth in Section 18-386, or both, as applicable.
- (c) The Permit Administrator, or his or her designee, is hereby authorized to establish such procedures as may be required to carry out the purpose and intent of this Section.
- (d) County employees, including employees or agents of the County Marshal's Office, Sheriff's Office, Code Compliance, Fire Department, and Health Department shall have the authority to enforce this Article.

#### **Sec. 30-524 – Appeals and Hearings**

- (a) A person aggrieved by the Permit Administrator's or his or her designee's decision to deny a permit may appeal the decision to the Dawson County Board of Commissioners. The appeal must be filed with the Dawson County clerk in writing, within 30 calendar days of the date of the decision to deny the permit, contain a concise statement of the reason for appeal, and be accompanied by the appeal fee as set out in Dawson County Planning and Development Fee Schedule as amended by the Dawson County Board of Commissioners from time to time.
- (b) Upon receipt of an appeal of the Permit Administrator's or his or her designee's decision to deny a permit, or upon the administrative suspension or revocation of a permit, the Dawson County clerk shall schedule a hearing before the Dawson County Board of Commissioners. The timely filing of an appeal shall stay the revocation, suspension, or denial, pending a decision by the Dawson County Board of Commissioners.
- (c) The Dawson County Board of Commissioners shall hold a hearing within 30 days after receipt of the appeal or following the Permit Administrator's determination that suspension or revocation of the permit is warranted, unless extended for good cause, and provide the aggrieved party written notice of the time, place, and date of the scheduled hearing on the matter. 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.

- (d) At the hearing, the Permit Administrator or his or her designee shall present the facts upon which the denial, suspension, or revocation of the permit were based. After presentation of the case against the aggrieved party, the aggrieved party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she has. The aggrieved party shall have the right to be represented by an attorney, at the expense of the aggrieved party, and to present evidence and cross-examine opposing witnesses.
- (e) At the conclusion of the hearing, the Dawson County Board of Commissioners shall place any findings and conclusions in writing, which shall be forwarded by the Permit Administrator or his or her designee to the aggrieved party.
- (f) The decision of the Dawson County Board of Commissioners shall be final unless appealed to the superior court of the County, within 30 days of the Permit Administrator or his or her designee providing written notification to the aggrieved party of the decision. Appeal shall be by writ of certiorari based upon the record in accordance with O.C.G.A. § 5-4-1.
- (g) For purposes of this Article, notice shall be deemed delivered when personally served, or when served by certified mail postage prepaid within three days after the date of deposit in the United States Mail.

#### **Sec. 30-525 – Severability**

If any paragraph, sub-paragraph, sentence, clause, phrase, or portion of the ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if a provision of any part of this ordinance is applied to any particular situation or set of circumstances in such a manner as to be declared invalid or unconstitutional, then any such invalidity shall not be construed to affect the portions of this ordinance not so held to be invalid and the application of this ordinance to other circumstances shall be held to be invalid. The Dawson County Board of Commissioners hereby declares the intent of Dawson County Board of Commissioners is to provide for separable and divisible parts, and the Dawson County Board of Commissioner hereby adopts any and all parts hereof as may not be held invalid for any reason.

#### **Sec. 30-526 – Repealer**

All resolutions or ordinance or parts thereof in conflict with the terms if this Article are hereby repealed.





## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Tax Commissioner

Work Session: 11.04.2021

Prepared By: Nicole Stewart

Voting Session: 11.18.2021

Presenter: Nicole Stewart

Public Hearing: Yes x No \_\_\_\_\_

Agenda Item Title: Presentation of request to update Tax Commissioner's resolutions

### Background Information:

My office has current resolutions that are listed the Tax Commissioner's Office, not my name. I would like to add my name in case anyone would like to question my resolutions.

### Current Information:

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Budget Information: Applicable: \_\_\_\_\_ Not Applicable: \_\_\_\_\_ Budgeted: Yes \_\_\_\_\_ No x

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Finance Dept. Authorization: Vickie Neikirk

Date: 10/26/21

County Manager Authorization: David Headley

Date: 10-26-2021

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

### Comments/Attachments:

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**A RESOLUTION BY THE DAWSON COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING THE DAWSON COUNTY TAX COMMISSIONER TO CORRECT  
OBVIOUS CLERICAL ERRORS PURSUANT TO O.C.G.A. § 48-5-380**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS**, pursuant to O.C.G.A. § 48-5-380 (a) and (b), taxpayers are entitled to a refund of taxes within three years of the date of payment and license fees within one year of payment when such taxes or license fees are determined to have been erroneously or illegally assessed and collected from the taxpayers under the laws of this state or under the resolutions or ordinances of the county or such taxes and license fees are determined to have been voluntarily or involuntarily overpaid by the taxpayers; and

**WHEREAS**, pursuant to O.C.G.A. § 48-5-380 (e) the Dawson County Board of Commissioners is authorized to adopt rules and regulations governing the administration of tax refund claims brought under O.C.G.A. § 48-5-380 and may delegate the approval or disapproval of such claims to the Dawson County Tax Commissioner only “where the reason for the claim is based on an obvious clerical error.”

**WHEREAS**, the Dawson County Board of Commissioners has determined that it is in the best interests of the County and its taxpayers to delegate the authority to approve or disapprove claims for tax refunds to the Dawson County Tax Commissioner in those cases where the request is timely and the reason for the claim is based on an obvious clerical error in accordance with O.C.G.A. § 48-5-380 (e).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Dawson County, acting in its capacity as the governing authority of Dawson County, does hereby delegate the authority to approve or disapprove claims for tax refunds brought within three years of the date of payment and claims for a refund of license fees brought within one year of payment to the Dawson County Tax Commissioner when the reason for such claims is based on an obvious clerical error in accordance with O.C.G.A. § 48-5-380 (e); and

**BE IT FURTHER RESOLVED** that the Tax Commissioner shall prepare and provide to the Board of Commissioners a quarterly report, on or before the 15th of January, April, August and December of each calendar year, showing the claims resolved either by approval or disapproval in the preceding quarter, which report shall include the date of the claim, the tax parcel number of the subject property, and, if applicable, the amount of refund issued and the time period for which the claim was resolved; and

**BE IT FURTHER RESOLVED** that if any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the ordinance not held to be invalid or the application of the resolution to other circumstances not held to be invalid; and

**BE IT FURTHER RESOLVED** that all previous Resolutions of the Board of Commissioners of Dawson County adopted pursuant to O.C.G.A. § 48-5-380 (e) are hereby superseded and repealed.

**SO RESOLVED AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the Dawson County Board of Commissioners.

**DAWSON COUNTY BOARD OF  
COMMISSIONERS**

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Sharon Fausett, Member

\_\_\_\_\_  
Chris Gaines, Member

\_\_\_\_\_  
Tim Satterfield, Member

\_\_\_\_\_  
Emory Dooley, Member

Attest:

\_\_\_\_\_  
Clerk to the Board

**A RESOLUTION BY THE DAWSON COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING AND ESTABLISHING POLICY FOR THE DAWSON COUNTY TAX  
COMMISSIONER TO ACCEPT FORMS OF PAYMENT OTHER THAN CASH FOR  
THE PAYMENT OF AD VALOREM TAXES, FEES, OR OTHER ASSESSMENTS**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS**, pursuant to O.C.G.A. § 48-5-9.1, the governing authority of each county may by appropriate resolution or ordinance elect to receive in payment of ad valorem taxes any form of payment; and

**WHEREAS**, pursuant to O.C.G.A. § 48-5-146, the county governing authority may prescribe the manner and conditions upon which a tax commissioner may accept forms of payment other than cash; and

**WHEREAS**, pursuant to O.C.G.A. § 48-5-146, county tax commissioners may not be held personally liable for unpaid checks or money orders when the county governing authority has authorized the tax commissioner to accept such forms of payment, the payment was received by the tax commissioner in the manner and under the conditions prescribed by the governing authority, and the tax commissioner has taken appropriate steps to collect payment following notice that the check or money order is unpaid; and

**WHEREAS**, the Dawson County Board of Commissioners has determined that it is in the best interests of the County and its taxpayers to authorize the Dawson County Tax Commissioner to accept forms of payment other than cash pursuant to O.C.G.A. §§ 48-5-9.1 and 48-5-146.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Dawson County, acting in its capacity as the governing authority of Dawson County, does hereby authorize the Dawson County Tax Commissioner to accept forms of payment other than cash, including debit, credit, wire, ACH, personal checks, company checks, certified checks, treasurer's checks, cashier's checks, bank money orders, postal money orders, and express money orders, in payment of taxes, assessments, and fees subject to the following rules and procedures:

- (1) Acceptance of checks and money orders.
  - (a) Any check or money order shall be deemed to be payment as of the time it is received by the Dawson County Tax Commissioner, provided that the check or money order is duly paid upon presentation to the drawee.

- (b) If a check or money order so received is not duly paid upon presentation to the drawee:
- (c) The Dawson County Tax Commissioner shall make a written demand for payment to the taxpayer within 30 days after receiving notification of the dishonor of the check or money order, which shall be sent by certified mail or statutory overnight delivery to the taxpayer's last address as it appears on the latest records of the Tax Commissioner;
- (d) Unless payment is received within 20 days from the written demand for payment, the Dawson County Tax Commissioner shall initiate at least one of the rights and remedies allowed by law for the enforcement of the collection and payment of taxes, assessments, and fees within 40 days from the written demand for payment;
- (e) The person on whose account the check or money order was tendered shall remain liable for the payment of the tax or license fee and for all legal penalties and additions to the same extent as if the check or money order had not been tendered;
- (f) Dawson County shall have a lien for the amount of the check or money order upon all assets of the bank or trust company on which drawn or for the amount of the money order upon all the assets of the issuer of the money order; and
- (g) In addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered the check or money order upon notice and demand of the Dawson County Tax Commissioner, in the same manner as tax, an amount equal to 1 percent of the amount of the check or money order, except that, if the amount of the check or money order is less than \$500.00, the penalty shall be the lesser of \$5.00 or the amount of the check or money order. This paragraph shall not apply if the person who tendered the check or money order shows to the satisfaction of the Dawson County Tax Commissioner that it was tendered in good faith and with reasonable cause to believe it would be duly paid.

**BE IT FURTHER RESOLVED** that all previous Resolutions of the Board of Commissioners of Dawson County adopted pursuant to O.C.G.A. §§ 48-5-9.1 and 48-5-146 are hereby superseded and repealed.

**SO RESOLVED AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the  
Dawson County Board of Commissioners.

**DAWSON COUNTY BOARD OF  
COMMISSIONERS**

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Sharon Fausett, Member

\_\_\_\_\_  
Chris Gaines, Member

\_\_\_\_\_  
Tim Satterfield, Member

\_\_\_\_\_  
Emory Dooley, Member

Attest:

\_\_\_\_\_  
Clerk to the Board

**A RESOLUTION BY THE DAWSON COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING THE DAWSON COUNTY TAX COMMISSIONER TO WAIVE  
PENALTIES AND INTEREST WHEN SUCH PENALTIES OR INTEREST WERE  
INCURRED DUE TO REASONABLE CAUSE AND NOT WILLFUL NEGLIGENCE OR  
DISREGARD OF THE LAW PURSUANT TO O.C.G.A. § 48-5-242**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS**, pursuant to O.C.G.A. § 48-5-242 (a) and (c), the governing authority of a county may waive penalties and interest for the failure to comply with the laws governing the assessment and collection of ad valorem taxes when the default giving rise to such penalties and interest was due to reasonable cause and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law; and

**WHEREAS**, pursuant to O.C.G.A. § 48-5-242 (a) and (c), the governing authority of a county may authorize the tax commissioner to waive certain penalties due on unpaid ad valorem taxes if the tax commissioner reasonably determines that the default causing the penalty was due to reasonable cause and not due to gross or willful neglect or disregard of the law and if the penalty or interest does not arise from the failure of the taxpayer to comply with the terms, conditions, or covenants required with respect to properties receiving any type of preferential assessment; and

**WHEREAS**, the Dawson County Tax Commissioner has the ability to make the determination in each case regarding whether a penalty has been incurred due to reasonable cause and not due to gross or willful neglect or disregard of the law or regulations or instructions issued pursuant to law; and

**WHEREAS**, the Dawson County Board of Commissioners has determined that it is in the best interests of the County and its taxpayers to authorize the Dawson County Tax Commissioner to waive penalties and interest, except in cases of preferential assessments, when the Tax Commissioner reasonably determines that the default giving rise to the penalty or interest was due to reasonable cause and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Dawson County, acting in its capacity as the governing authority of Dawson County, does hereby authorize the Dawson County Tax Commissioner to waive penalties and interest, except in cases of preferential assessments, when the Tax Commissioner reasonably determines that the default giving rise to the penalty or interest was due to reasonable cause and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law; and

**BE IT FURTHER RESOLVED** that if any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed to affect the portions of the resolution not held to be invalid or the application of the resolution to other circumstances not held to be invalid; and

**BE IT FURTHER RESOLVED** that all previous Resolutions of the Board of Commissioners of Dawson County adopted pursuant to O.C.G.A. § 48-5-242 are hereby superseded and repealed.

**SO RESOLVED AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the Dawson County Board of Commissioners.

**DAWSON COUNTY BOARD OF  
COMMISSIONERS**

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Sharon Fausett, Member

\_\_\_\_\_  
Chris Gaines, Member

\_\_\_\_\_  
Tim Satterfield, Member

\_\_\_\_\_  
Emory Dooley, Member

Attest:

\_\_\_\_\_  
Clerk to the Board



**A RESOLUTION BY THE DAWSON COUNTY BOARD OF COMMISSIONERS  
AUTHORIZING THE DAWSON COUNTY TAX COMMISSIONER TO CONDUCT  
JUDICIAL IN REM FORECLOSURES PURSUANT TO O.C.G.A. § 48-4-76**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS**, the Georgia legislature has determined that nonjudicial tax foreclosure procedures are inefficient, lengthy, and commonly result in title to real property which is neither marketable nor insurable; and

**WHEREAS**, pursuant to O.C.G.A. § 48-4-76 (a), the local governing authority of any county is authorized to proceed with judicial in rem tax foreclosures for delinquent taxes in accordance with the provisions of Article 5, Chapter 4, of Title 48 of the Official Code of Georgia upon the adoption of a resolution or ordinance authorizing such procedures; and

**WHEREAS**, the Dawson County Board of Commissioners has determined that it is in the best interests of the County and its taxpayers to authorize the Dawson County Tax Commissioner to utilize the judicial in rem tax foreclosure procedures for the collection of delinquent taxes in accordance with the provisions of Article 5, Chapter 4, of Title 48 of the Official Code of Georgia.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Dawson County, acting in its capacity as the governing authority of Dawson County, does hereby authorize the Dawson County Tax Commissioner to utilize the judicial in rem tax foreclosure procedures for the collection of delinquent taxes in accordance with the provisions of Article 5, Chapter 4, of Title 48 of the Official Code of Georgia; and

**BE IT FURTHER RESOLVED** that all previous Resolutions of the Board of Commissioners of Dawson County adopted pursuant to O.C.G.A. § 48-4-76 (a) are hereby superseded and repealed.

**SO RESOLVED AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2021, by the Dawson County Board of Commissioners.

**DAWSON COUNTY BOARD OF  
COMMISSIONERS**

\_\_\_\_\_  
Billy Thurmond, Chairman

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Sharon Fausett, Member

---

Chris Gaines, Member

---

Tim Satterfield, Member

---

Emory Dooley, Member

Attest:

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Clerk to the Board



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Rotary Club of Dawson County

Work Session: 11.18.2021

Prepared By: Brooke Anderson

Voting Session: 12.02.2021

Presenter: Brooke Anderson

Public Hearing: Yes ☐ No ☒

Agenda Item Title: Presentation of Butterfly Oasis @ River Park

### Background Information:

The Rotary Club would like to enhance the use of River Park by providing a new picnic pavilion, butterfly garden, butterfly sculpture and environmental education signs. Anticipated cost of the project is \$20,000.

### Current Information:

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Budget Information: Applicable: ☐ Not Applicable: ☐ Budgeted: Yes ☐ No ☐

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Finance Dept. Authorization: Vickie Neikirk

Date: 11/8/21

County Manager Authorization: David Headley

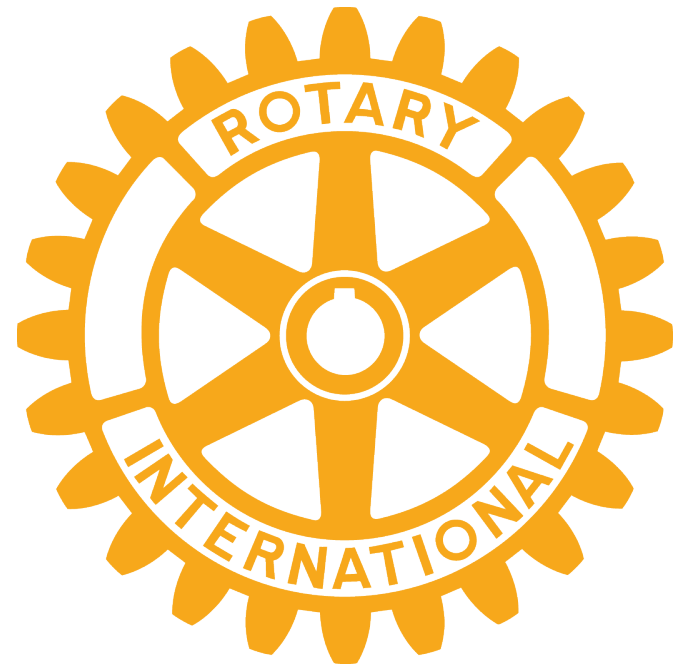
Date: 11-08-2021

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

### Comments/Attachments:

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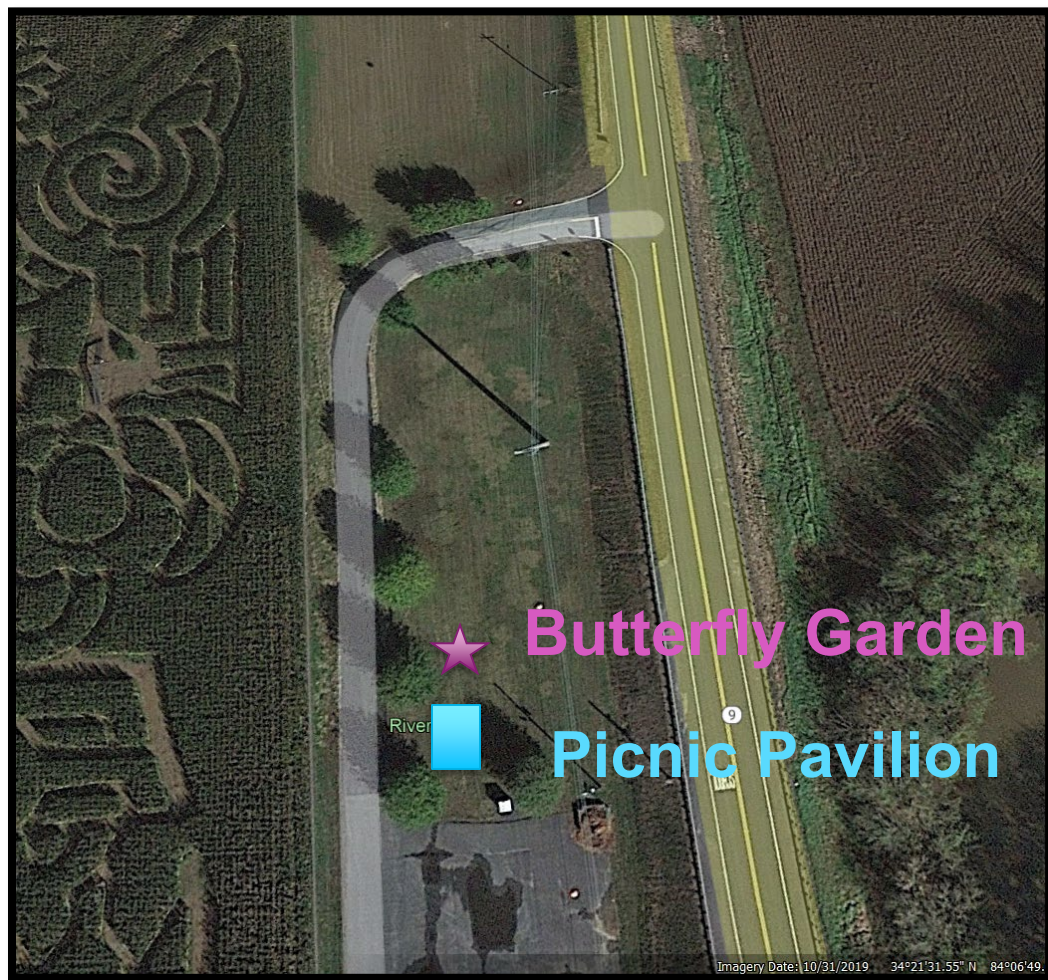
# Butterfly Oasis @ River Park

# BUTTERFLY OASIS

## RIVER PARK ENHANCEMENT

- Installation of New 18' x 20' Picnic Pavilion
- Picnic Tables
- Butterfly Garden
- Butterfly Sculpture
- Educational Signage
- Mulch Ground Cover

# BUTTERFLY OASIS



**Butterfly Sculpture**



DAWSON COUNTY BOARD OF COMMISSIONERS  
APPLICATION FOR APPOINTMENT TO COUNTY  
BOARDS AND AUTHORITIES



The Dawson County Board of Commissioners accepts applications for appointments. Interested parties should submit this form and supporting documentation to the County Clerk.

Board or Authority Applied for Long Range Planning Committee

Name Steve Pawlik

Home Address 1649 Old Henry Grady Road

City, State, Zip Dawsonville, GA, 30534

Mailing Address (if different) \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Telephone Number \_\_\_\_\_ Alternate Number \_\_\_\_\_

Fax Telephone Number \_\_\_\_\_

E-Mail Address \_\_\_\_\_

**Additional information you would like to provide:**

I am requesting appointment to the LRPC to be able to participate in long range planning discussions for the county, as I plan to be a permanent resident and feel that I can offer productive insight having worked in the real estate, development, and new construction industry in the north GA area for the past 30 years. I am an advocate of smart growth that is beneficial to both land owners and also to residents of the county. I have no reluctance to share my opinion during discussions, but I also am very open to hearing other participants opinions and working toward a consensus. I appreciate your consideration for my appointment to this committee and will be happy to answer any questions you may have regarding my ability to serve. Thank you.

Signature [Signature] Date 11/2/21

**Please note: Submission of this application does not guarantee an appointment.**

**Return to:**  
**Dawson County Board of Commissioners**  
**Attn: County Clerk**  
**25 Justice Way, Suite 2313**  
**Dawsonville, GA 30534**  
**(706) 344-3501 FAX: (706) 344-3504**  
**countyclerk@dawsoncounty.org**



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF DAWSON COUNTY, GEORGIA (“COUNTY”) AGREEING TO BE BOUND BY THE MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF GEORGIA AND CERTAIN LOCAL GOVERNMENT ENTITIES CONCERNING THE NATIONAL DISTRIBUTOR AND J&J SETTLEMENTS AND DIRECTING THE EXECUTION OF THE “ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING,” “SUBDIVISION DISTRIBUTOR SETTLEMENT PARTICIPATION FORM,” AND “JANSSEN SETTLEMENT PARTICIPATION FORM.”**

WHEREAS, the County initiated litigation against certain manufacturers and distributors of prescription opioids in *In re: National Prescription Opiate Litigation*, MDL 2804, to hold them accountable for the opioid epidemic and to seek equitable and monetary relief;

WHEREAS, opioid distributor defendants McKesson Corporation, AmerisourceBergen Corporation, and Cardinal Health, Inc. (“Settling Distributors”), and opioid manufacturer defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“J&J”) have separately reached settlement frameworks (otherwise known as the “National Distributor Settlement” and “J&J Settlement”) with certain states and local government entities that the State of Georgia and Georgia’s local government entities have the option to join;

WHEREAS, the State of Georgia and certain Georgia local government entities seek to enter a Memorandum of Understanding that would enable them to join the National Distributor and J&J Settlements and maximize the recovery to the State of Georgia and Georgia local government entities from those settlements; and

WHEREAS, the County desires to agree to be bound by the Memorandum of Understanding and to participate in the National Distributor and J&J Settlements.

NOW, THEREFORE, BE IT RESOLVED BY THE DAWSON COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

Section 1. The County Board of Commissioners, as the governing body of the County, hereby agrees to be bound by the Memorandum of Understanding between the State of Georgia and certain Georgia local government entities concerning the National Distributor and J&J Settlements.

Section 2. The County Board of Commissioners, as the governing body of the County, hereby agrees to participate in the National Distributor and J&J Settlements.

Section 3. The County Board of Commissioners hereby appoints \_\_\_\_\_ as the duly-appointed representative of the County for the purposes of agreeing to be bound by the Memorandum of Understanding and participating in the National Distributor and J&J Settlements.



Section 4. The County Board of Commissioners directs the duly-appointed representative of the County to execute the “ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING,” attached hereto and incorporated herein as **Exhibit A**.

Section 5. The County Board of Commissioners directs the duly-appointed representative of the County to execute the “Subdivision Distributor Settlement Participation Form,” attached hereto and incorporated herein as **Exhibit B**.

Section 6. The County Board of Commissioners directs the duly-appointed representative of the County to execute the “Janssen Settlement Participation Form,” attached hereto and incorporated herein as **Exhibit C**.

Section 7. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. This Resolution shall be in full force and effect from and after its adoption as provided by law.

This Resolution was introduced, seconded and adopted at a duly convened meeting of the Dawson County Board of Commissioners, held on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Chairman, Board of Commissioners

ATTEST:

\_\_\_\_\_  
County Attorney

## **EXHIBIT “A”**

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Acknowledgment and Agreement to Be Bound By Memorandum of Understanding

## EXHIBIT 1

### ACKNOWLEDGEMENT AND AGREEMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING

WHEREFORE, the undersigned, as a duly-appointed representative of the below-referenced entity, acknowledges the following:

- Dawson County, Georgia has received the State of Georgia and Local Governments: Memorandum of Understanding Concerning National Distributor and Johnson & Johnson Opioid Settlements.
- The undersigned is a duly-appointed representative of Dawson County, Georgia, and has the authority to execute this document and bind Dawson County, Georgia to the Memorandum of Understanding.
- Dawson County, Georgia is either represented by legal counsel, or has the ability to obtain advice from legal counsel, concerning the contents and implication of the Memorandum of Understanding.
- The undersigned, on behalf of Dawson County, Georgia understands and acknowledges the terms of the Memorandum of Understanding, and Dawson County, Georgia, agrees to be bound by its terms.
- No party is under duress or undue influence.

/s/ \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Entity Dawson County, Georgia

## **EXHIBIT “B”**

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### Subdivision Distributor Settlement Participation Form

### **Subdivision Distributor Settlement Participation Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“*Distributor Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.
12. The effective date of this Participation Form shall be the date on which the State of Georgia enters into the Distributor Settlement. In the event that the State of Georgia elects not to enter into the Distributor Settlement, this Participation Form shall be null and void and shall confer no rights or obligations on the State of Georgia, the Released Entities (as defined in the National Settlement Agreement dated July 21, 2021), or the Governmental Entity.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **EXHIBIT “C”**

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### Janssen Settlement Participation Form



### **Janssen Settlement Participation Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

11. The effective date of this Participation Form shall be the date on which the State of Georgia enters into the Janssen Settlement. In the event that the State of Georgia elects not to enter into the Janssen Settlement, this Participation Form shall be null and void and shall confer no rights or obligations on the State of Georgia, the Released Entities (as defined in the National Settlement Agreement dated July 21, 2021), or the Governmental Entity.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_