



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

March 25, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Leah Rodriguez, Acting City Clerk
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE**
- V. APPROVAL OF THE COUNCIL AGENDA**
- VI. MINUTES:**
 - Approval of the March 25, 2019 City Council Meeting Minutes
- VII. PRESENTATIONS:**
 - 1. Award – Mayor Lary
 - 2. Best of Stonecrest—Sabrina Wright
 - 3. Comprehensive Plan Update—Mary Darby
- VIII. PUBLIC COMMENTS**
- IX. PUBLIC HEARINGS:**
 - 1. RZ-19-002 Rezoning from MR-1 (Medium Density Residential) to C-1 (Local Commercial), 2374 Cove Lake Road, for construction of a self-storage facility
 - 2. TMOD 19-0002 Amendments to Chapter 27, Article 19 regarding Child & Personal Care Facilities, 2nd Read

X. OLD BUSINESS:

1. Cell Tower Moratorium
2. Fire Prevention—2nd Read
3. Alarms—2nd Read

XI. NEW BUSINESS:

1. Purchase of Land (Salem Rd and Evans Mill Rd intersection) – Mayor Lary
2. City Clerk Appointment – Mayor Lary
3. Award LMIG Resurfacing Bids – Plez Joyner
4. Ordinance Adopting Chapter 22 of the City Code (Solid Waste), first read
5. Ordinance Adopting Chapter 22.5 of the City Code (Storm Sewer Illicit Discharge and Illegal Connection), first read
6. Ordinance Adopting Chapter 25 of the City Code (Water, Sewers and Sewage Disposal), first read
7. Transportation Steering Committee Resolution – Councilmember George Turner
8. Resolution for DeKalb County Board of Elections to perform superintendent duties for November Elections – City Clerk

XII. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

XIII. CITY MANAGER COMMENTS

XIV. CITY ATTORNEY COMMENTS

XV. MAYOR AND COUNCIL COMMENTS

XVI. ADJOURNMENT



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

March 11, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

I. CALL TO ORDER: Mayor Jason Lary

II. ROLL CALL: All members were present

III. INVOCATION: Rev. Lee May

IV. PLEDGE OF ALLEGIANCE:

V. PUBLIC COMMENTS:

1. Cynthia Perry spoke in opposition of the proposed gas station.
2. Faye Coffield spoke in opposition of the gas station and the tree cutting near her home.
3. Phillip Kelly spoke in opposition to the cell phone tower.
4. Willie Hinton spoke in opposition of the gas station.
5. Gina Mangham wanted to leave the options open for public transit.
6. Dave Marcus wants zoning laws changed.
7. Tammy Grimes spoke in opposition of both the cell phone tower and the gas station.
8. Virginia Pierce-Kelly spoke in opposition of the cell phone tower.
9. Bernard Knight spoke in opposition of the cell phone tower.
10. Rene Carl opposed the gas station.
11. Joanne Dorsey opposed the gas station.
12. Rachel Zeigler opposed the gas station.
13. Michelle Emanuel opposed the Grice Engineering contract.
14. Roderick Wall opposed the cell phone tower.
15. Idonia Hunter opposed the cell phone tower.
16. Lynn D. Goodwin opposed the cell phone tower.

17. Doris E. Johnson opposed the gas station.
18. Sharon Vincent opposed the cell phone tower.
19. Carl Brown opposed the cell phone tower.

VI. EXECUTIVE SESSION:

Mayor Lary asked to go into executive session at 8:49 p.m. The consensus was unanimous.

Mayor and Council returned from executive session at 9:59 p.m.

VII. ADOPTION OF THE CITY COUNCIL AGENDA:

Councilwoman Adoma made a motion to approve the agenda with the inclusion of the Alarm Ordinance, Fire Prevention Ordinance, MARTA Resolution, cell tower discussion, discuss notification of any Special Administrative Permits, and the Resolution to Elect to Continue Receiving Water and Sewer Services from DeKalb County, seconded by Councilman Rob Turner. **The motion carried unanimously.**

VIII. OLD BUSINESS:

1. SPLOST Project Management Services
Councilman George Turner made a motion to defer this item. Councilman Rob Turner provided the second. **The motion carried unanimously.**
2. SPLOST Comprehensive Transportation Plan
Councilman Rob Turner made a motion to defer this item. Councilwoman Adoma provided the second. **The motion carried unanimously.**
3. Work Plan Approval
Councilman Clanton made a motion to approve. Councilman Rob Turner provided the second. **The motion carried unanimously.**
4. DeKalb Municipal Annual Dues
Councilwoman Adoma asked if someone who is on the board and is responsible for financial disbursement should recuse themselves from voting on this item. Attorney Denmark stated that they did not have to recuse themselves and that recusal is necessary only if the person had a personal interest. Councilwoman Adoma asked Attorney Denmark to provide documents supporting this.

Councilwoman Adoma made a substitute motion to defer payment of the DeKalb Municipal Association dues until legal counsel can provide her with Georgia Law

or something in the Charter that confirms his opinion regarding recusal. The substitute motion failed for lack of a second.

Mayor Lary stated that the original motion stands. **The motion carried 5-1.** Councilwoman Adoma opposed.

IX. NEW BUSINESS:

1. Alarm Ordinance—First Read

2. Fire Prevention Ordinance—First Read

3. Resolution for Water and Sewer

Councilman Clanton made a motion to approve the Resolution for Water and Sewer services from DeKalb County, Georgia. Councilman George Turner provided the second. **The motion carried unanimously.**

4. Moratorium on Future Cell Phone Towers

Councilwoman Adoma asked the council to pass a resolution for a moratorium on cell phone towers in the city of Stonecrest.

Mayor Lary made a motion for the council to have a 60-day moratorium. Councilman Rob Turner provided the second. Councilman Clanton suggested the city attorney prepare the proper wording. Attorney Denmark stated that a moratorium is only effective when it is in writing. Attorney Denmark said he will prepare the document well in advance of the next meeting. This would allow for the Mayor and Council to review and vote on it.

Mayor Lary provided a substitute motion requesting the city attorney prepare the moratorium documentation. He asked for a 60-day moratorium. Councilwoman Adoma stated that according to Robert's Rules of Order that council was still in discussion and under the first motion. Mayor Lary stated that the motion was properly made and seconded, therefore, he was not out of order. He referred the question to the city attorney who confirmed that the Mayor was correct and was not out of order.

Councilwoman Adoma defined the term "moratorium" as a delay. She then asked what would happen if a cell phone tower application comes in prior to the written moratorium. The city attorney stated a Georgia Supreme Court decision requires that a moratorium is not effective until it is in writing. He stated he would prepare a moratorium document for the Mayor and Council to review and approve.

Councilwoman Adoma wanted to know how the city plans to prevent more cell phone towers and how will the council be notified. Mayor Lary stated that he will notify council of any special administrative permit pertaining to cell phone towers. The Mayor and interim city manager will ask to review all incoming cell phone tower applications.

Councilwoman Adoma asked how council will be notified. Mayor Lary stated he would be in direct contact with the Community Development Director and will take the responsibility of contacting the council.

Mayor Lary asked that the council vote on the substitute motion to allow the city attorney to prepare the moratorium document(s). **The motion passed by a vote of 5-1.** Councilwoman Adoma opposed.

5. Notification of Special Permits

Mayor Lary made a motion to approve the notification of Special Administrative Permits prior to any approvals. Councilman Clanton stated that it wasn't necessary to make a motion. Councilman George Turner stated that the public will soon have access online to search for all applications.

X. CITY MANAGER COMMENTS:

Mayor Lary noted that Wayne Wright, Regional Manager for Jacobs, is filling in for the City Manager since Mr. Harris left. Mr. Wright updated Mayor Lary and Council regarding the process of recruiting a City Manager and identifying an interim manager to fill in during the recruitment. Wayne Wright stated that the Mayor would have to appoint the interim city manager subject to approval by the council. Mr. Wright said that he is looking for a person with experience and not someone who would have to learn while on the job.

Councilman George Turner asked about the hiring of a City Clerk. Mr. Wright stated that Mr. Harris completed the interviewing process last week. The person who Mr. Harris chose will be brought before the council at the next meeting.

XI. CITY ATTORNEY COMMENTS:

Winston Denmark introduced his associate, Ms. Christa Freeman.

XII. MAYOR AND COUNCIL COMMENTS:

Councilman George Turner commented about the proposed convenience store to be located on Salem and Evans Mill Roads. Councilman George Turner indicated that he

has spoken with EPD about the impact on the stream and also to DOT in reference to trucks route.

Councilwoman Adoma thanked the people who came out to the meeting. Councilwoman Adoma expressed that she was disappointed that there was no one to uphold parliamentary procedure. She would like the city attorney to provide information regarding a rule of ten minutes per speaker.

Council members Cobble, Clanton, and Rob Turner had no comments. Mayor Lary thanked everyone for coming out to the meeting.

XIII. ADJOURNMENT:

The meeting was adjourned at 10:41 p.m.

DRAFT



CITY COUNCIL AGENDA ITEM

SUBJECT: Best of Stonecrest, Excellence in Customer Service Initiative

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☒ DISCUSSION ONLY	☐ RESOLUTION	☐ OTHER

Date Submitted: 03/22/19

Council Meeting: 03/25/2019

SUBMITTED BY: Sabrina Wright, Economic Development

PURPOSE: Discussion on the best practice of Stonecrest to excel in Customer Services.

HISTORY: None

OPTIONS: None

ATTACHMENT(S):

#1 Best of Stonecrest & Flyer

Best of Stonecrest

Excellence in Customer Service Initiative

Purpose

The “Best of Stonecrest” customer service initiative is designed to improve the customer service experience in Stonecrest. From retail, dining, hotel stays and more, the City of Stonecrest is committed to providing the best customer service experience every time.

Goal

1. Improve customer service at all retail, dining and hotel locations in Stonecrest
2. Encourage repeat customer visits and referrals
3. Increase online recommendations and comments regarding Stonecrest establishments
4. Encourage business growth and investment in the city
5. Revitalize the city with an influx of retail, dining and other shopping options

Methodology

1. Introduce “Best of Stonecrest” initiative to community stakeholders in the business community at a Best of Stonecrest Luncheon at the StartUp Factory.
2. Host regular customer service training sessions for local businesses in each industry
3. Allow participants to receive certificates of completion for their training session
4. Establish a certification process for businesses that allow a certain percentage of management and customer-facing employees to complete the training course
5. “Certified” businesses will receive a certified sticker/logo to place at the entrance of their establishment so patrons will know they have completed the course
6. Create a website (via Hackathon) that includes an online rating system that allows customers/patrons to rate their customer service experience, upload photos and receive information about the Best of Stonecrest initiative
7. Promote “certified” businesses on the Economic Development page of the City website

Stonecrest Office of Economic Development will host a “Best of Stonecrest” luncheon to introduce this initiative to local stakeholders in March 2019. Stakeholders will be encouraged to participate as sponsors to assist with covering costs for necessary items such as possible prizes for participating students in the logo contest, web development, app development, etc.

Once the initiative has been introduced to stakeholders and local businesses, the Economic Development department will encourage local businesses to sign up for the next Customer Service course. Training will take place at least once per quarter.



Taking your customer service from good to great!

Best of Stonecrest!

Luncheon

Learn about the **Best of Stonecrest** customer service initiative and how you can:

- ★ Encourage repeat customers
- ★ Increase online recommendations and positive reviews
- ★ Inspire employees to receive customer service certification
- ★ Receive a 'Best of Stonecrest' business seal
- ★ Advertise your business on the City of Stonecrest's website
- ★ Achieve a lot more!

CONTACT

Sabrina Wright

Economic Development Director

404.224.0213

swright@stonecrestga.gov



AEI StartUp Factory
7310 Stonecrest Concourse
Stonecrest, Ga 30038

Thursday, March 28, 2019
11AM - 1PM



CITY COUNCIL AGENDA ITEM

SUBJECT: 2038 City of Stonecrest Comprehensive Plan

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☒ OTHER

Date Submitted: 03/21/19

Council Meeting: 03/25/2019

SUBMITTED BY: Mary Darby, The Collaborative Firm

PURPOSE: Ms. Darby will update the Mayor and City Council on the status of the 2038 City of Stonecrest Comprehensive Plan.

ATTACHMENT(S):

None



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for Rezoning Application
RZ-19-003 (2374 Cove Lake Road)

☒ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**
☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☐ **OTHER**

Date Submitted: 03/21/19 **Work Section:** **Council Meeting: 03/25/2019**

SUBMITTED BY: Nicole Dozier, Community Development Department Director

PURPOSE: To change the zoning from MR-2 (Med Density) District to C-1 (Local Commercial) District for the construction of a self-storage facility.

HISTORY: This application was heard at the March 5th, 2018 Planning Commission Meeting. The applicant requested to change their zoning from MR-1 to C-1, however staff recommend denial of the application. The Planning Commission recommended denial of the application.

OPTIONS: Approve; Deny; or make Alternative conditions.

RECOMMENDED ACTION:

Planning Commission recommended denial of petition RZ-19-003 at the March 5th, 2019.

ATTACHMENTS:

1 03/21/19 Staff Report

RZ 19-003

Attachment # 1
Staff Report



PLANNING COMMISSION STAFF REPORT

MEETING DATE: March 5th, 2019

GENERAL INFORMATION

Petition Number:	RZ-19-003
Applicant:	William Marshall Murphey
Owner:	David Miles
Project Location:	2374 Cove Lake Road
District:	District 2
Acreage:	6.50 acres
Existing Zoning:	MR-1 (Med Density Residential) District
Proposed Zoning:	C-1 (Local Commercial)
Proposed Development/Request:	The applicant is requesting to rezone the subject properties from MR-1 to C-1 for the construction of self-storage (mini-warehouse) facility.
Staff Recommendations:	DENIED
Planning Commisison:	DENIAL

RZ-19-003



PLANNING COMMISSION STAFF REPORT

Zoning Map





PLANNING COMMISSION STAFF REPORT

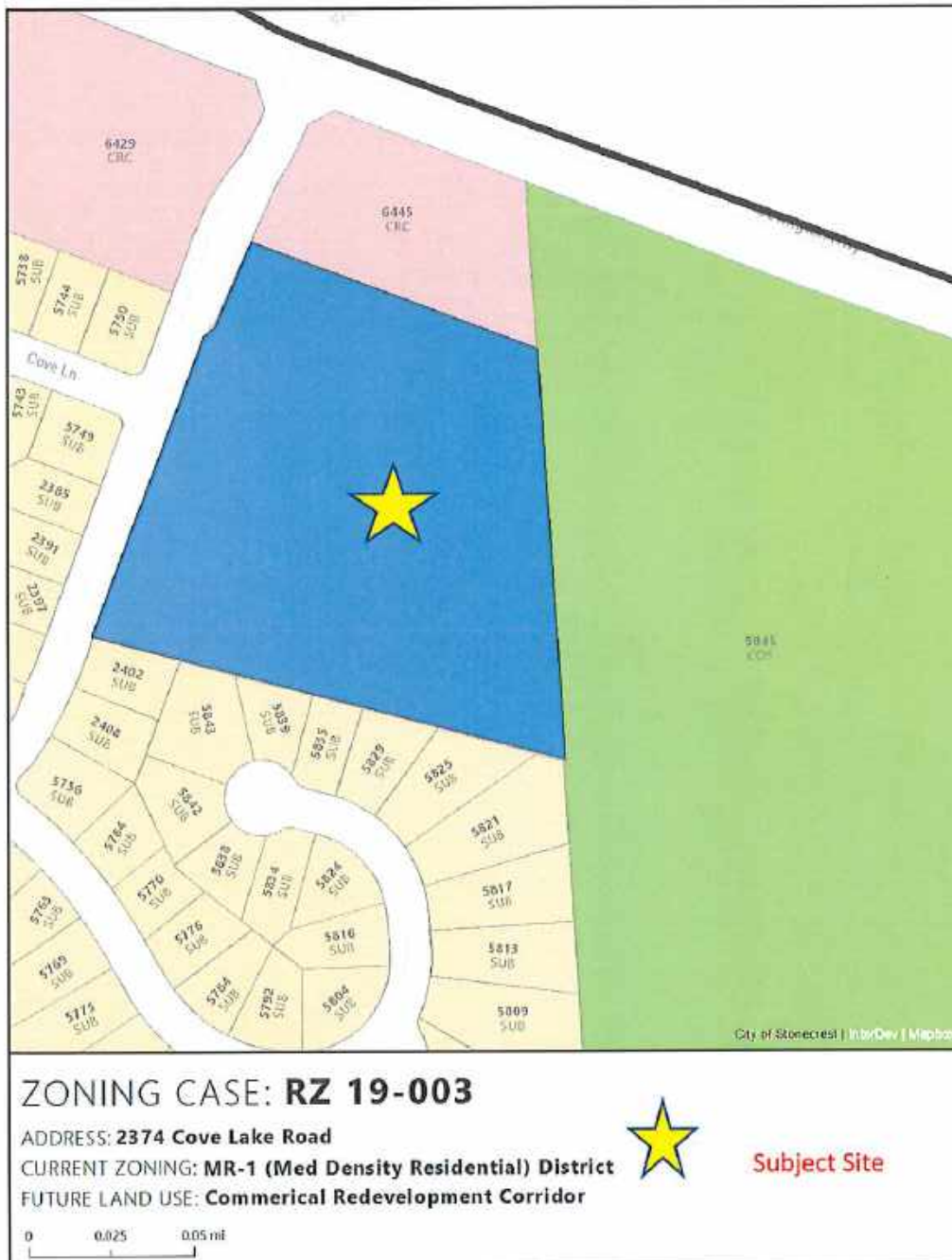
Aerial Map





PLANNING COMMISSION STAFF REPORT

Future Land Use Map





PLANNING COMMISSION STAFF REPORT

PROJECT OVERVIEW

The applicant is requesting a change in zoning for 6.50 acres from MR-1 (Medium Density Residential) District to C-1 (Commercial) District to allow for the construction of 131,800 square foot self-storage facility. The current Future Land Use character for this area is identified in the Commercial Redevelopment Corridor. This character area calls for the redevelopment of declining commercial corridors and to improve the function and aesthetic appeal of more stable commercial corridors. The new Future Land Use map is scheduled to be adopted on February 25th, 2019 shows this parcel to be located in the Urban Neighborhood character area.

The subject property is zoned MR-1 conditional (Med Density Residential) District per the Dekalb County zoning case CZ-07-13309. Staff was unable to locate any specific zoning conditions related to approved zoning case. The subject property was approved for the construction of sixty-four fee simple townhomes on the property, however, the subdivision was never developed.

The subject property is located approximately 250 feet to the south of the intersection of Covington Hwy and Wellborn Road. The subject property is currently undeveloped. Located directly to the south of the property is the Cove Lake subdivision. Adjacent to the east is the Southeast Athletic Sports Complex and is zoned MR-1. Adjacent to the north is an undeveloped property zoned C-1 (Local Commercial). The property has a mixture of small and large growth vegetation. The topography can be characterized as being mainly even with a few elevations changes. Moving toward the eastern property line the topography slopes down approximately twenty (20) feet.

The proposed self-storage facility will have four storage buildings located on the property. Each building will have square footage between 30,800 square feet and 34,800 square feet. The applicant intends to construct a stone wall along the property lines abutting the Cove Lake Subdivision to screen from view. The proposed wall will be eight (8) feet tall and a mixture of concrete and stone. The proposed elevations for the self-storage show the façade to be steel and metal. Access to the development will be located off Cove Lake Road.

Originally this application was to be heard at the January 3RD Planning Commission meeting, however, the applicant failed to install the public hearing sign.

A neighborhood meeting was held on October 1, 2018, in the Cove Lake Subdivision. Approximately 40 people attend the meeting. Concerns raised at the meeting was the amount of traffic to be generated by the proposed use. The applicant assures there would only be 10-20 cars entering and exiting the neighborhood.



PLANNING COMMISSION STAFF REPORT

View of the subject property entering into Cove Lake Subdivision



View of the subject property leaving the Cove Lake Subdivision





PLANNING COMMISSION STAFF REPORT

STANDARDS OF REVIEW

- **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The future land use character area for the property is the Commercial Redevelopment Corridor. The local commercial zoning is listed as approved zoning for the character area.

- **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

The use would not be suitable in view of adjacent and nearby property or properties. The subject property abuts a single-family residential neighborhood and recreation park. There should be a transition in zoning from commercial to residential. Transitional zoning would be office-institutional.

- **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The subject property has reasonable economic use as currently zoned. The subject property current zoned MR-1 and the owner could develop single-family homes on the property.

- **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

The zoning proposal could adversely affect the existing use or usability of adjacent or nearby property or properties. The proposed zoning is a commercial use which is not compatible with the residential zoning in the immediate area. A professional office zoning would be more suitable for the surrounding area.

- **Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.**

There are no other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

- **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

The proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

- **Whether the zoning proposal will result in use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The proposed zoning will not result in use in which will cause excessive or burdensome use of transportation facilities, utilities, and schools.



PLANNING COMMISSION STAFF REPORT

- **Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**
The zoning proposal will not adversely impact the environment or surrounding natural resources.

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	C-1 (Vacant)	Commercial	n/a
Adjacent: South	RSM (Cove Lake Subdivision)	Single-family Residential	n/a
Adjacent: East	MR-1 (Southeast Athletic Sport Complex)	Recreational	n/a
Nearby: West	RSM (Cove Lake Subdivision)	Single-family Residential	n/a

The surrounding area can be characterized as residential zoning and commercial tracts. Located to the north of the subject property is vacant property zoned C-1 (Local Commercial). The Cove Lake subdivision is located to the west and south of the subject property and is zoned RSM (Small Lot Residential Mix). Adjacent to the east of the subject property is the Southeast Athletic Sports Complex zoned MR-1. The proposed zoning would be consistent with the surrounding however, the staff has some concern with the zoning abutting an establish single-family neighborhood. Staff believes there should be transitional zoning between the commercial property located to the north of the subject property and the residential use to the south.

C-1 zoning is designed to provide convenient local retail shopping and service areas within the city for all residents. The zoning district assures that the uses authorized within the C-1 (Local Commercial) District is those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods. The proposed 131,800 square foot self-storage development would be a compatible use in the proposed zoning district. However, the proposed zoning would not be compatible with transitional zoning in the immediate area.

The City of Stonecrest Future Development Map as shown on page 70 of the City of Stonecrest Comprehensive Plan identifies the subject property as being within the Character Area Commercial Redevelopment Corridor. The intent of the character area to promote the redevelopment of declining commercial corridors and to improve the function and aesthetic appeal of more stable commercial corridors. Policies for this character area redevelop older strip commercial centers into viable mixed-use developments and cluster high-density development at nodes & along major corridors outside of established residential areas. The proposed change in zoning would meet the comprehensive plan, however, the site has never been developed.



PLANNING COMMISSION STAFF REPORT

Although the proposed zoning change would be compatible with the intent of the comprehensive plan staff has concerns on the lack of transitional zoning from commercial to residential in the immediate area. Therefore it would appear the applicant proposal does not meet all the standards or review.

RECOMMENDATION

Based on the findings and conclusions, it appears the applicant does not meet all the criteria for approval. However, should the Commission choose to approve the request in whole, Staff recommends that approval be subject to the following conditions:

1. Use of the subject property shall be limited to a building footprint of 131,800 square foot self-storage facility.
2. Screening shall be provided along the western and southern property line, adjacent to the Cove Lake Subdivision. An 8' tall privacy fence with coniferous trees planted to visually screen the commercial property from the south of the adjoining single-family property owners.
3. No resident manager shall live on site.
4. The facility will be accessible to the general public between the hours of 6 a.m. and 10 p.m. The office hours will be Sunday from 11 a.m. to 3 a.m., Monday to Friday from 9:30 a.m. to 6 p.m., and Saturday from 8:30 a.m. to 5 p.m. These hours shall be clearly posted on all doors.
5. Sidewalk connectivity and crosswalks shall be added to the property as approved by the Community Development Director.
6. The exterior design of the structure shall consist of brick, stacked stone, glass, stucco, and Cementous siding with 75% of each façade being faced with either brick or stacked stone; subject to the approval of the Community Development Director.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends **DENIAL** of RZ-19-003



Amendment Application

R2-19-003

~~REMOVED~~

Owner
Information

Owner's Name: WILLIAM MARSHALL MURPHY & WILLIAM MARSHALL MURPHY, JR.

Owner's Address: 5 CLARENDON PLACE AVONDAL ESTATES, GA 30002

Phone:

Fax:

Email:

Property Address: 2374 COUG LAKE RD

Parcel Size: 6.50 Acres

Parcel ID: 16 072 03 009

Current Zoning Classification: MA-1

Requested Zoning Classification: C-1

Name: DAVID MILES

Address: 4149 HAMMONDS FIELDS EVANS, GA 30809

Phone:

Fax:

Cell: (706) 399-3353

Email:

Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements?

☐ Yes ☒ No

Property Information

1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? ABOUT COMMERCIAL & WILL PROVIDE A NEED FOR THE NEIGHBORHOOD.

2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?
THE TOPOGRAPHY IS TOO STEEP FOR RESIDENTIAL USE.

3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
NEIGHBORS HAVE EXPRESSED SUPPORT FOR THE PROPOSED STORAGE FACILITY. THEY DO NOT WANT ADDITIONAL RESIDENTIAL DEVELOPMENT

4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

DEKALB COUNTY HAS PROBLEMS WITH STORAGE CAPACITY. THE PROPOSED USE WILL REQUIRE SIGNIFICANTLY LESS CAPACITY

5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?

NO.

6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

NO. IT REQUIRE SIGNIFICANTLY LESS OF ALL.

Questionnaire

David miles @comcast.net



Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of- Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature: <u>[Signature]</u>	Date:	9/11/18
	Address: <u>1803 Prince 2L</u>	City, State:	Atlanta, GA
	Phone: <u>706-434-2962</u>		
	Sworn to and subscribed before me this <u>11th</u> day of <u>September</u> , 20 <u>18</u>		
Attorney / Agent	Notary Public:		
	Signature: <u>Gina Hill</u>	Date:	9-11-18
	Address: <u>21 N. Arondale Plaza</u>	City, State:	Arondale Estates, GA
	Phone: <u>404-294-5400</u>		
	Sworn to and subscribed before me this <u>11th</u> day of <u>Sept.</u> , 20 <u>18</u>		
	Gina Hill NOTARY PUBLIC DEKALB COUNTY, GEORGIA		
	Notary Public:		



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes ☒ No

Applicant / Owner	Signature: <i>David M. Mite</i>
	Address: <i>4149 Hamon Ferry Lane Sa</i>
	Date: <i>9/11/18</i>

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount

Patrick & Associates, Inc.
928 Blacklawn Road SW
Conyers, Georgia 30094
Surveying & Engineering

Phone (770) 483-9745

Email: markwalton@patrickandassociatesinc.com

September 9, 2018

City of Stonecrest
Planning & Zoning Division
3120 Stonecrest Blvd.
Stonecrest, GA 30038

RE: Rezoning request letter of intent
2374 Cove Lake Road

Dear Mayor, Council & Planning Commissioners,

Please accept this letter, on behalf of Mr. David Miles, as his letter of intent for his proposed development of the above referenced property. Mr. William Marshall Murphey & Mr. William Marshall Murphey, Jr. are currently the owners of this parcel. Upon successful rezoning they will sell the parcel to Mr. Miles.

It is Mr. Miles' desire to develop and operate this parcel as an independent self storage facility. Mr. Miles has developed other self storage facilities in the Augusta area and has recently completed Storage Time, in Conyers. Mr. Miles intends to construct his Storage Time Stonecrest in a similar architectural style, which will include a functioning clock tower and a stone exterior to keep with the "Stonecrest" theme. Ultimately the development could have up to 214,650 sf of self storage space. The majority of the self storage space that Mr. Miles provides will be climate controlled. Mr. Miles has provided photos for your review.

Currently the 6.50 acre parcel of land is undeveloped and fronts Cove Lake Road. The parcel will be accessed from Cove Lake Road. The parcel has a Land Use classification of CRC (commercial redevelopment corridor) and will not require an amendment to the Land Use Plan. Currently the parcel is zoned MR-1, which allows for 8-12 residential units per acre. Mr. Miles is requesting C-1, commercial. The burden on transportation facilities, schools, and utilities will be significantly less for the self storage facility as compared to the possibility of up to 78 residential units. Mr. Miles is requesting a reduction in the required transitional buffers on the south and east sides of the property; he is also requesting a reduction in the required building setback line along Cove Lake Road. For these considerations he is willing to build a stone faced, 8' tall wall. Along Cove Lake Road this wall will serve as the rear of the front buildings and along the south property line the wall will be located just of the driveway. Land disturbances between the walls and property lines/right of way will be replanted. The facility will have a storm water pond constructed on the eastern side of the project; this will abut the DeKalb Southeast Athletic Complex. The common line is heavily vegetated on both parcels.

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

BDM Development, LLLP

BDM Development, LLLP (David Miles)

Summary of Meeting with Cove Lake Subdivision

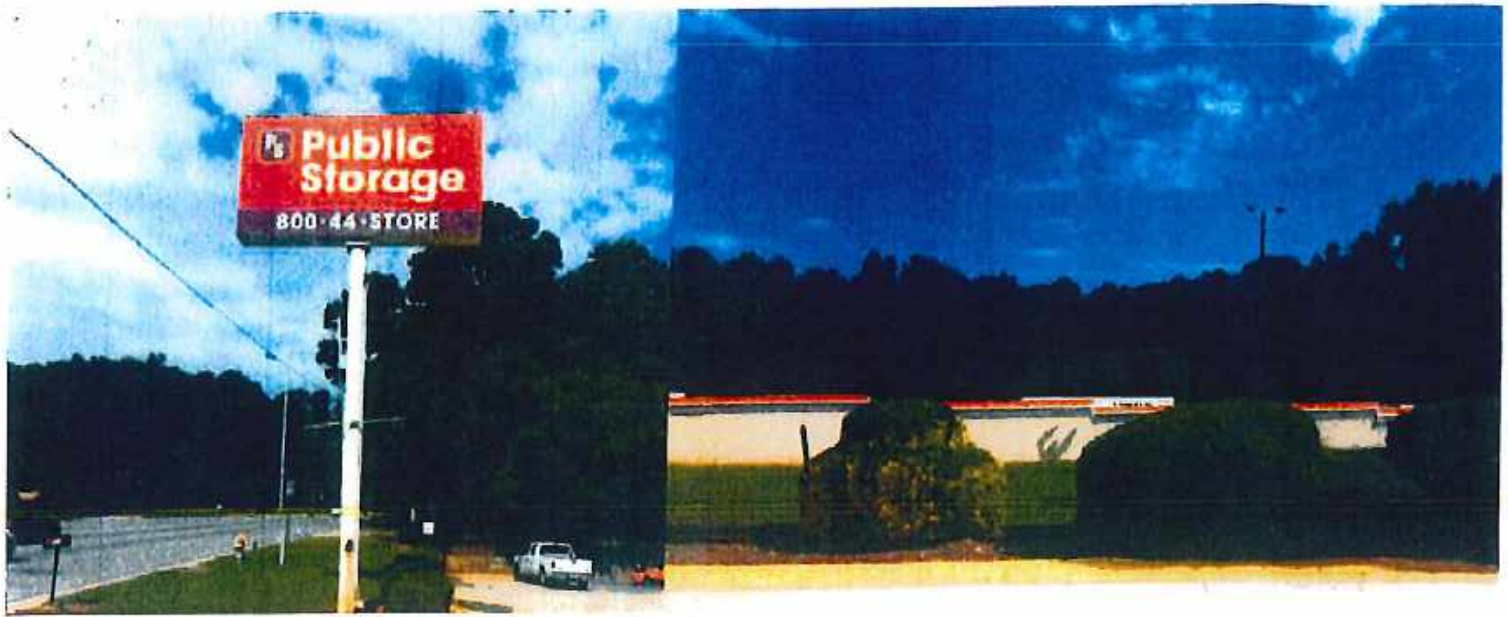
The meeting between Cove Lake Subdivision and BDM Development, LLLP was held on **October 1, 2018 at the** DeKalb County Library resulted in approximately 40 people in attendance. BDM Development, LLLP represented by David M. Miles with the assistance of Cove Lake HOA President, Sierra Frazier and Cove Lake HOA Treasurer, Peaches Moss, shared with the community the pros and cons of the 65 additional townhouses on the 6.5 acres in question for re-zoning of Storage Time at Stone Crest. After sharing this information with the property owners, one person brought up that the price range of the proposed townhomes should be in the \$400K+ range to increase the overall neighborhood value. The people representing the Cove Lake HOA were very pleased with the concept of 10 to 20 cars entering and exiting the neighborhood in the course of a day; and the fact that David Miles had offered zero visibility from the neighborhood with the 8' stone wall along the property lines of Cove Lake Subdivision. One person felt that nothing should be built on the property; 2 or 3 people (who were not from Cove Lake Subdivision) brought up questions about the bus transit system in DeKalb County. Although very few comments were made during the meeting; after the meeting, several people expressed their favor to David Miles and Sierra Frazier to the low traffic impact during morning and evening peak traffic times.



David M. Miles, Partner
BDM Development, LLLP



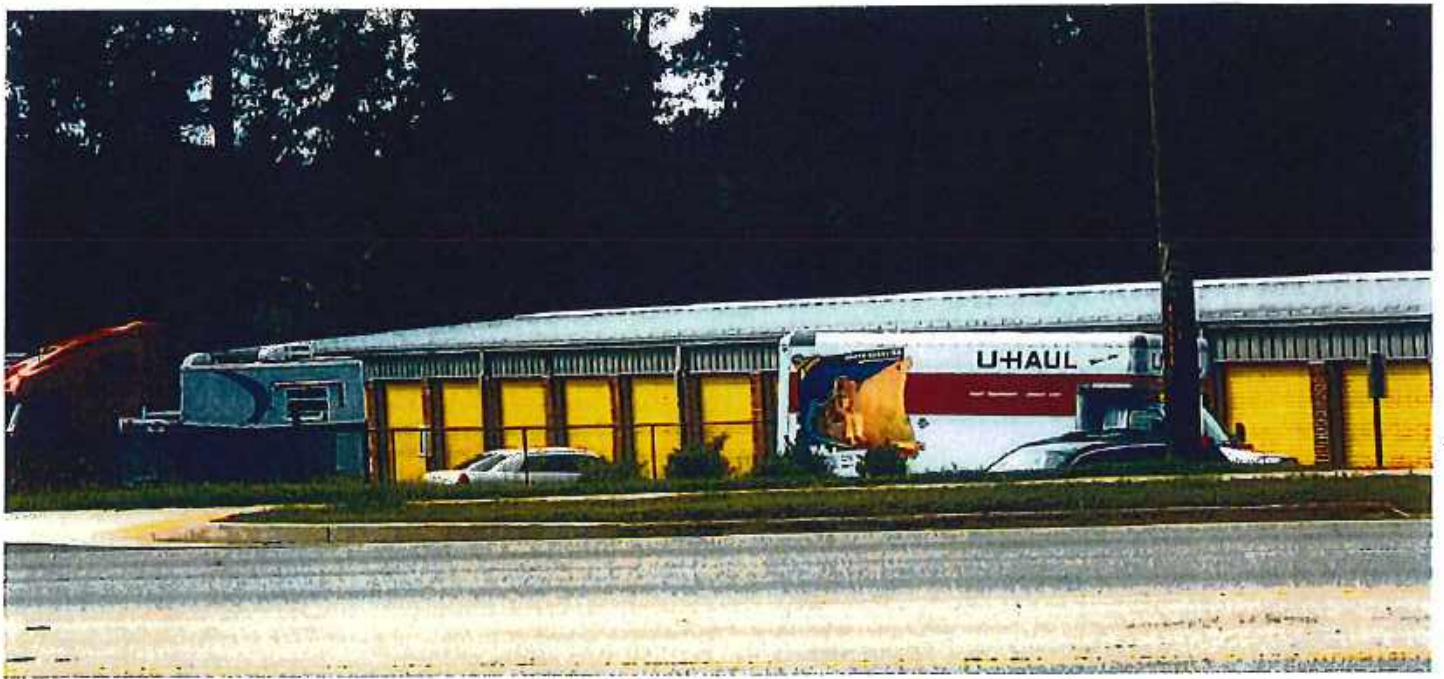
The small 6 ½ acre tract located along the entrance of Cove Lake subdivision is zoned for 72 townhomes. This photograph will show the new look of this property once developed. The impact of townhomes would generate approximately 2.5 vehicles per household equaling 180 cars entering and exiting the neighborhood each day. It would also generate on average 2.5 additional children per household in the neighborhood to be added to the school system. This would add approximately 180 children to be picked up and dropped off during the peak times of the day during the school year. The impact of the additional automobiles and foot traffic to the Cove Lake subdivision probably would not be desirable. Although townhomes are being developed in numerous places along the Covington Hwy area, Cove Lake subdivision has an opportunity with BDM development to change the long term outcome of this area. Storage Time Conyers located at 1050 Flat Shoals Rd. is the newest concept of what neighborhood storage can look like and be integrated in the typical neighborhoods where they are desperately needed. In the following pages of this message we will show you why most storage facilities are not welcome by most communities throughout the country. Storage Time has proven in Conyers that we can develop a landmark where people will appreciate the architecture and the privacy to the surrounding communities. A storage facility such as this will typically on an average day generate 5 to 10 vehicles on an average day coming onto the property. No foot traffic of any kind will be generated by a storage facility. As you will see in the following photographs of the surrounding storage facilities the design and character for most storage facilities has never been considered in the past. BDM development has gone to great lengths in the City of Conyers to prove that this concept can change the market place ideas about self storage. We will offer a landmark clock tower on the front of the property and perimeter walls with natural stone facing all exterior areas to the subdivision and Covington Hwy along with a totally secured 6 ½ acres with cameras monitoring inside and outside of the facility and a quiet neighbor to all the people of Cove Lake subdivision.



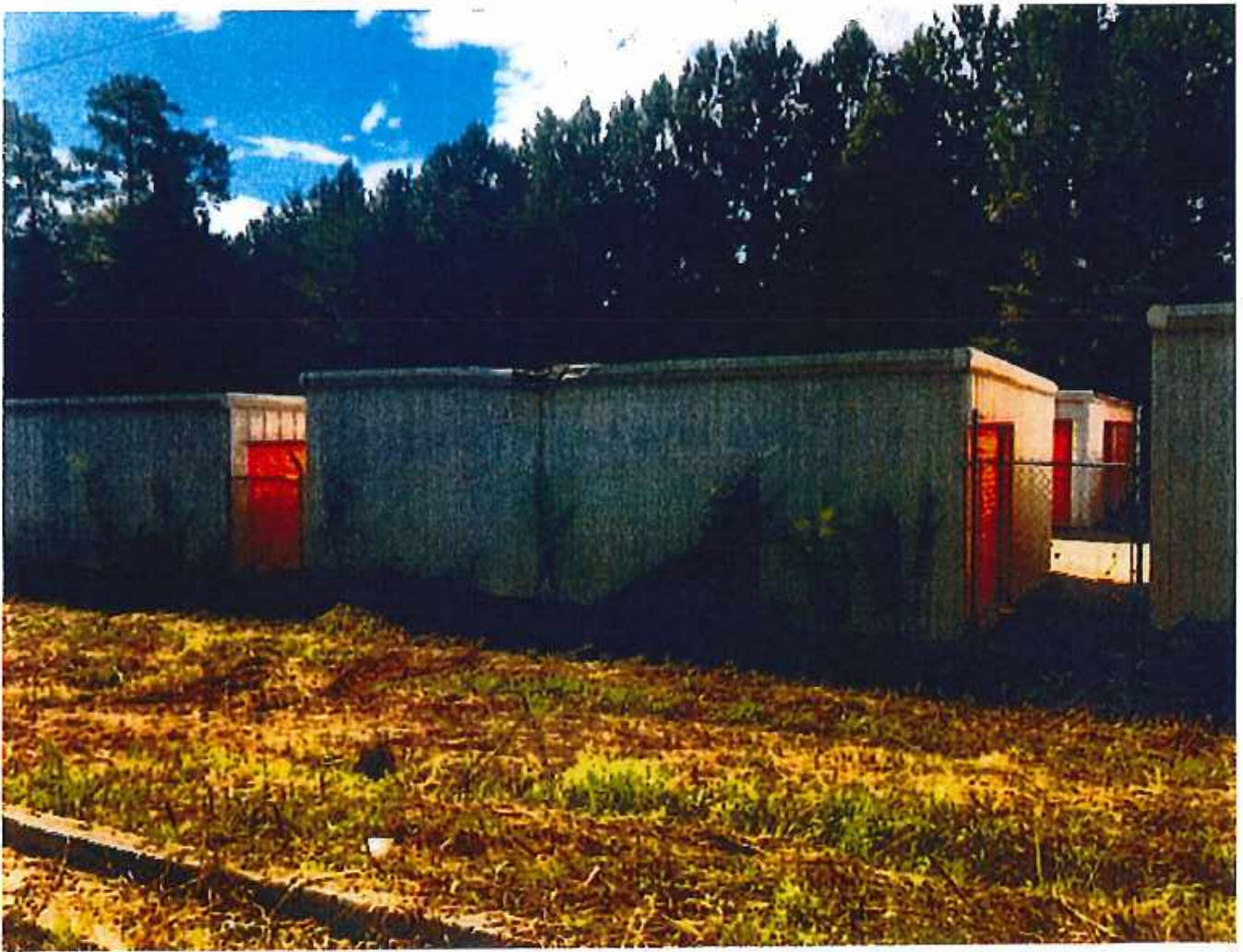
Public Self Storage located approximately 4 miles from Wellborn is another facility located on Covington Hwy with approximately 98% occupancy. This location offers no climate control which is typical for most locations that are 10 years or older.



This photograph is a typical commercial property along Covington Hwy. Used car lots and new cars lots alike have been permitted to use chain link fencing and barbed wire to create security for their car lots. This alone for a passer by in the area makes a very uncomfortable statement in appearance. A form of wrought iron like we used at Storage Time Conyers could make a drastic impact on visitors riding through the area. Storage Time attempts to make their locations unique and attractive in every way possible.



Life Self Storage located approximately 5 miles from Wellborn on Covington Hwy is the most recent storage facility built in the area. Like most storage facilities built along commercial thoroughfares, loud colored doors are used due to the economic savings of construction and the visual attention they offer. Storage Time offers a totally different concept to visibility of a storage facility like no other in the country. Although Conyers was the first example of such a complex we are sure there will be many more to come. The ownership of BDM development would deeply appreciate any input or thoughts on Storage Time Stonecrest. We appreciate your time in reading this pamphlet.



Citizens Storage on Panola Rd located a mile and a half from Wellborn is a typical storage facility developed approx. 30 years ago by someone who had no vision of how to develop a poor piece of ground such as this. Add to that a property owner that has totally neglected the maintenance and clean up this property. This is why self storage has an extremely poor image with most principalities in the country. And believe it or not this storage facility is 98% occupied.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 19-0002 Child & Personal Care Home Modifications 2nd Read

() ORDINANCE () POLICY () STATUS REPORT
() DISCUSSION ONLY () RESOLUTION (X) OTHER

Date Submitted: 03/21/19 Work Session: Council Meeting: 3/25/19

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE:

This is a clean-up and clarity to Chapter 9 Definition, Section 4.2.31 Home Occupations, Section 4.2.41 Personal Care Homes and Table 4.1 Use Table regarding Child Care and Personal Care homes.

Based on the confusion and requests from the public as well as Mayor and Council, Staff recommends the following modification to the Personal Care and Child Care Home regulations:

- *Child and Personal Care Homes are considered home occupations.*
- *The owner/operation must reside on premise.*
- *Personal Care Homes are defined as **up to 6 persons** and the home must be a **minimum of 1800 Sq. Ft.***

This address the concerns/confusion about these uses considered a business, the number of children (currently 3-6 or 6 or more) making sure proper management is located on site and the size of the home being able to accommodate the number of persons as well as staff on site.

- *Child Care Homes are defined as **up to 5 children**.* - This eliminated the architectural plan requirement as per the Building Code and is less burdensome on the applicant.
- *A fenced outdoor space is required for childcare homes and facilities with Children ages 3-15.* – This will address the concerns about unsupervised children roaming the neighborhoods and better supervision of children.

Greater than 5 children or more than 6 persons is considered a “facility” as indicated with in the definition modifications.

HISTORY:

At the first read on this item council asked for directions on how existing Child and Personal Care facilities would be notified about these new provisions, please see outlined steps below:

1. Once approved; planning staff will send a form letter to all operating child care and personal care homes registered as of 1/1/17 with the state in the City of Stonecrest informing them of the new regulations.
2. Each home that received the letter will be given 45 days to apply for their business licenses for the rest of 2019.
3. For the 2020 licensing year all applicants (inclusive of those notified) will be required to comply with the new regulations. This will give a grace period of 8 months to existing facilities to bring their facilities into compliance with the new regulations.
4. Any new Child Care or Personal Care Homes established after this date will be required to comply with these regulations.

OPTIONS: Approve, Deny

RECOMMENDED ACTION: Staff recommends final approval of this item.

ATTACHMENTS:

#1 Drafted Text

TMOD 19-0002

Attachment # 1
Drafted Text

AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND CHAPTER 27, ARTICLE 9, SECTION 9.1.3 (DEFINITIONS) TO ADD A DEFINITION FOR CHILD CARE FACILITY, CHILD CARE HOME, AND PERSONAL CARE FACILITY, TO REMOVE THE DEFINITION FOR CHILD CARING INSTITUTION COMMUNITY, CHILD DAY CARE FACILITY, PERSONAL CARE HOME GROUP, AND PERSONAL CARE HOME COMMUNITY, AND TO AMEND THE DEFINITION FOR CHILD DAY CARE CENTER, COMMUNITY LIVING ARRANGEMENT AND PERSONAL CARE HOME; TO AMEND CHAPTER 27, ARTICLE 4, SECTION 4.2.31 (HOME OCCUPATIONS AND PRIVATE EDUCATIONAL USES) SUBSECTION A TO REQUIRE THE OWNER/OPERATOR OF A HOME OCCUPATION TO RESIDE ON THE PREMISES, AND TO ADD A NEW SUBPARAGRAPH E TO SECTION 4.2.31 (HOME OCCUPATIONS AND PRIVATE EDUCATIONAL USES) TO INCLUDE CHILD CARE HOMES AND PERSONAL CARE HOMES AS A TYPE OF HOME OCCUPATION; TO AMEND CHAPTER 27, ARTICLE 4, SECTION 4.2.41 TO ESTABLISH NEW REGULATIONS FOR CHILD CARE HOMES, CHILD CARE FACILITIES, PERSONAL CARE HOMES, AND PERSONAL CARE FACILITIES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stonecrest is authorized to exercise the power of zoning Ga. Const. Art. IX, Section II, ¶ IV, Ga. Const. Art. IX, Section II, ¶¶ I and III, Official Code of Georgia Annotated (O.C.G.A.) § 36-66-1 et seq., the City's Charter, the City's general police powers, and by other powers and authority provided by federal, state and local laws applicable hereto; and

WHEREAS, the City of Stonecrest continues to exercise its zoning powers to provide comprehensive city planning and ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, as the City of Stonecrest experiences growth and gains knowledge through the exercise of these powers, it is necessary to and, amend, and/or remove certain requirements in the Zoning Ordinance; and

WHEREAS, the City of Stonecrest would like to clarify the regulations for personal and child care uses and address the concerns of the community; and

WHEREAS, the City of Stonecrest recognizes necessity of implementing regulations which protect the health, safety and welfare of its citizens; and

WHEREAS, the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, provides statutory requirements which must be met by a local government to enact zoning ordinances and make zoning decisions, including, requiring publication of notice and public hearing prior to the enactment of zoning ordinances.

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as follows:

Section 1: In order to clarify and define child care home, child care facility, personal care home, and personal care facility and to remove any conflicting definitions, Article 9, Section 9.1.3 (Definitions) of The Code of the City of Stonecrest, Georgia, is hereby amended to read as follows (any deletions are struck through and additions are bolded):

Sec. 9.1.3. - Defined terms.

ADA: The Americans with Disabilities Act.

"A" weighted sound level: The sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Abandonment: The relinquishment, discontinuance and cessation of a use, other than as a result of government action, for any continuous period of time as may be provided in this chapter.

Abutting: Having property or district lines in common. This does not include property separated by a road or right-of way.

Accessory building: A building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

Accessory dwelling unit: See Dwelling unit, accessory.

Accessory equipment: See section 4.2.57.B.

Accessory structure: A structure detached from the principal building and located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Compare with Building, primary.

Accessory use: A use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See article 4 for supplemental regulations.

Active recreation: Leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Activity center: A character area designed by the Comprehensive Plan as a Regional Center, Town Center, or Neighborhood Center.

Adaptive reuse: Buildings and sites constructed and developed originally for one (1) use but converted to or repurposed for a use not traditionally occupying the building or development form. For example, the conversion of former hospital or school buildings to residential use, or the conversion of an historic single-family home to office use.

75 *Adjoining property:* A property that touches or is directly across a street, easement or right-
76 of-way (other than an interstate, principal arterial, urban freeway/expressway or urban principal
77 arterial) from the subject property.

78 *Adult day care center:* An establishment operated by any person with or without
79 compensation for providing for the care, supervision, and oversight only during day-time hours
80 of seven (7) or more adults who are elderly, physically ill or infirm, physically handicapped, or
81 mentally handicapped. This may also include recreational and social activities for said persons.

82 *Adult day care facility:* An establishment operated by any person with or without
83 compensation for providing for the care, supervision, and oversight only during day-time hours
84 of six (6) or fewer adults who are elderly, physically ill or infirm, physically handicapped, or
85 mentally handicapped. This may also include recreational, cultural and social activities for said
86 persons.

87 *Affordable housing:* Housing that has a sale price or rental amount that is within the means
88 of a household that may occupy middle, moderate, or low-income housing. In the case of
89 dwelling units for sale, housing that is affordable means housing in which mortgage,
90 amortization, taxes, insurance, and condominium or association fees, if any, together constitute
91 no more than twenty-eight (28) percent of such gross annual household income for a household
92 of the size which may occupy the unit in question. In the case of dwelling units for rent, housing
93 that is affordable means housing for which the rent and utilities constitute no more than thirty
94 (30) percent of such gross annual income for a household of the size that may occupy the unit in
95 question.

96 *Aggrieved person:* A person who either (a) is the applicant or the owner of property that is
97 the subject of an application or a decision by an administrative official; or (b) has a substantial
98 interest in an action appealed from and that is in danger of suffering special damage or injury not
99 common to all property owners similarly situated.

100 *Agricultural activities:* Activities performed in order to cultivate the soil, produce crops, or
101 raise livestock.

102 *Agricultural produce stand:* A temporary building or structure used for the retail sales of
103 fresh fruits, vegetables, flowers, herbs, or plants and may include accessory sales of other
104 unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or
105 baked goods, and home-made handicrafts.

106 *Alcohol outlet:* A retail establishment that sells beer, wine or distilled liquor for off-site
107 consumption. This includes grocery stores and retail stores, less than twelve thousand (12,000)
108 square feet, that may sell beer, malt beverages, hard cider and/or wine for off-site consumption,
109 as well as other products.

110 *All-weather material:* A hard surface, dust-free material, capable of withstanding normal
111 weather conditions during ordinary use without substantial deterioration. Gravel, rock, or
112 screenings alone, without use of a petroleum or cement binder, does not meet the definition of an
113 all-weather material.

114 *Alley:* A minor way, which is used primarily for vehicular service access to the back or side
115 of properties otherwise fronting on a street.

Alternative energy production: An energy production site or facility that is dedicated to the commercial production of electricity by means of wind, solar, biomass, grease, oil, or other non-petroleum energy source.

Alternative fuel vehicle: A vehicle that runs on a fuel other than "traditional" petroleum fuels (petrol or diesel) including: biodiesel, denatured alcohol, electricity, hydrogen, methanol, mixtures containing up to eighty-five (85) percent methanol or denatured ethanol, natural gas, and propane (liquefied petroleum gas).

Amateur radio service: Radio communication services, including amateur satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated there under.

Amateur radio service antenna structure: A tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

Ambulance service facility: A privately owned facility for the dispatch, storage, and maintenance of emergency care vehicles.

Amenity: A natural or man-made feature that enhances a particular property, increasing aesthetics and desirability to the owner or community.

Amplified sound reproduction device: Any device capable of producing, reproducing or emitting sounds by means of any loudspeaker or amplifier.

Amusement park: An outdoor recreation facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal: Any vertebrate member of the animal kingdom, excluding humans.

Animal hospital: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of an animal hospital as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

Animal shelter/rescue center: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public organization or by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

ANSI: The American National Standards Institute.

Antenna: See section 4.2.57.B.

Antique shop: A place offering antiques for sale. An antique, for purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty (30) years old.

Apartment: See Dwelling, multifamily.

154 *Apartment unit:* One (1) or more rooms with a private bath and kitchen facilities comprising
155 an independent, self-contained dwelling unit in a building containing four (4) or more dwelling
156 units.

157 *Apiary:* A place where beehives of honey bees are kept.

158 *Apiculture:* See Beekeeping.

159 *Apparel store:* A retail store where clothing is sold, such as department stores, dry goods
160 and shoe stores, and dress, hosiery, and millinery shops.

161 *Appeal:* A review authorized by this chapter of any final order, requirement, or decision of
162 the planning director or designee that is based on or made in the enforcement of this chapter.

163 *Applicant:* A person who acts in his or her own behalf or as the agent of a property owner,
164 who seeks a zoning decision, or who seeks a decision regarding a permit or approval by the
165 director of planning.

166 *Arcade:* An area contiguous to a street or plaza that is open and unobstructed to a height of
167 not less than twelve (12) feet and that is accessible to the public at all times.

168 *Archaeological resource:* Any material remains of past human culture or activities which
169 are of archaeological interest, including, but not limited to the following: basketry, bottles,
170 carvings, graves, human skeletal materials, pit houses, pottery, rock intaglios, rock paintings,
171 soapstone quarries, structures or portions of structures, tools, weapons, weapon projectiles, or
172 any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological
173 specimens, or any portion or piece thereof, shall not be considered archaeological resources
174 under the regulations of this chapter, unless found in archaeological context. No item shall be
175 deemed to be an archaeological resource under the regulations of this chapter unless such item is
176 at least two hundred (200) years of age.

177 *Art, private:* A work or collection, usually displayed in a gallery or curated space, that is
178 owned by a private individual or entity.

179 *Art, public:* Any visual work of art located so as to be visible in a public, city-owned area;
180 on the exterior of any city-owned facility; within any city owned facility in areas designated as
181 public areas, lobbies, or public assembly areas; or on non-city property if the work of art is
182 installed or financed, either wholly or in part, with city funds or grants procured by the city. Such
183 public art shall not contain characteristics of an advertising sign.

184 *Art gallery:* An establishment engaged in the sale, loan, or display of art books, paintings,
185 sculpture, or other works of art. This definition does not include libraries, museums, or non-
186 commercial art galleries.

187 *Articulated façade:* A building elevation that faces a street and that is constructed with a
188 variety of surfaces, materials, colors, projections, recesses, or similar features.

189 *Asphalt manufacturing:* An industrial facility used for the production of asphalt, concrete, or
190 asphalt or concrete products that are used in building or construction, and that includes facilities
191 for the administration or management of the business, the stockpiling of bulk materials used in
192 the production process or of finished products manufactured on the premises, or the storage and

193 maintenance of required equipment, but does not include the retail sale of finished asphalt or
194 concrete products.

195 *Assembly hall:* A meeting place at which civic, educational, political, religious, or social
196 groups assemble regularly or occasionally; including but not limited to schools, churches,
197 theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

198 *Assisted living facility:* A multi-family structure whose occupants are fifty-five (55) years of
199 age or older, or where each unit is occupied by at least one (1) person who is fifty-five (55) years
200 of age, and where occupants receive assistance with daily living activities.

201 *Atrium:* An open hall lighted from above, into which rooms open at one (1) or more levels.

202 *Attic:* An open space at the top of a house just below the roof; often used for storage.

203 *Authorized (permitted) use:* Any use allowed by right in a zoning district and subject to the
204 restrictions applicable to that zoning district.

205 *Automobile:* A self-propelled, free-moving vehicle, which is licensed by the appropriate
206 state agency as a passenger vehicle. For the purpose of this chapter, the term "automobile" shall
207 include motorcycles, scooters, small trucks used for daily passenger trips, sports utility vehicles
208 (SUVs), and similar passenger vehicles or any vehicle classified by the Georgia Department of
209 Driving Services as a Class "C" vehicle.

210 *Automobile and truck rental and leasing:* A business that rents or leases automobile or light
211 trucks, and may store the automobiles and trucks on the same site as the business office.

212 *Automobile brokerage:* The business of providing services for the purchase or leasing of a
213 vehicle, whether non-commercial or commercial and including trailers and R.V.s. The brokered
214 vehicles are not stored on the same lot as that on which the business office is located. A vehicle
215 brokerage may find the desired vehicle, negotiate the price or lease contract, manage paperwork
216 associated with the sale or lease, or secure financing for the sale or lease of the vehicle.

217 *Automobile dealership:* See Automobile sales.

218 *Automobile mall:* A single location that provides sales space and centralized services for a
219 number of automobile dealers and may include related services as auto insurance dealers and
220 credit institutions that provide financing opportunities.

221 *Automobile manufacture:* A facility engaged in the manufacture of passenger cars, light
222 trucks, and/or light commercial vehicles.

223 *Automobile parts or tire store:* A building that is used for the retail sale of new or used parts
224 or tires for non-commercial vehicles. This term does not include outdoor storage yards.

225 *Automobile recovery and storage:* A facility that provides temporary outdoor storage of
226 Class "C" passenger vehicles and motorcycles that are intended to be claimed by the titleholders
227 or their agents. Such storage includes vehicles that have been towed, or that will be transported
228 to a repair shop or will be subject to an insurance adjustment after an accident. See Vehicle
229 storage and Tow service.

230 *Automobile rental and leasing:* A business that rents or leases automobiles.

Automobile repair and maintenance, major: A business that services passenger vehicles including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or re-painting of passenger vehicles and motorcycles. Major automobile repair establishments may also perform minor automobile repairs.

Automobile repair and maintenance, minor: A business that repairs, replaces, or services tires, ignitions, hoses, spark plugs, and other minor vehicle parts as part of the regular upkeep of passenger vehicles and motorcycles, and may perform regular maintenance such as brake repair and replacement, lubrication, or replacement of small or incidental automobile parts. Minor automobile repair and maintenance may also, as an accessory function, include automobile detailing, including the application of paint protectors, the cleaning or polishing of a vehicles interior, exteriors, or engine, and the installation of aftermarket parts and accessories such as tinting, alarms, sound systems, spoilers, sunroofs or headlight covers. Minor automobile repair and maintenance does not include the dismantling and repair of engines, transmissions, or drive shafts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or re-painting of passenger vehicles. Minor automobile repair does not include automobile car washes where vehicles are washed and/or waxed either by hand or by mechanical equipment.

Automobile sales: A business establishment that engages in the retail sale or the leasing of new or used automobiles, small passenger trucks, motorcycles, or other passenger vehicles. Such merchandise may be stored on the same lot as that on which the business office is located. An automobile sales dealership may be located in an automobile mall. See Automobile mall, Automobile brokerage.

Automobile service station: A building, structure, or land used primarily for the sale of automotive fuels such as gasoline. This term includes the following accessory uses: convenience stores; the sale of incidental vehicle parts and fluids such as motor oil, coolant, windshield wipers, seat or floor pads; and minor automobile repair as defined in this chapter.

Automobile upholstery shop: A building in which automobile seats are re-covered or re-upholstered. For the purposes of regulating home occupations, an automobile upholstery shop shall be considered to be major automobile repair.

Automobile wash/wax service: A building, structure, or land that is used for the washing, waxing, cleaning, or detailing of automobiles as defined in this article. The service may be enclosed in a building or conducted outdoors, includes mobile wash/wax service, and may be a principal or accessory use.

Automobile wrecking yard: See Salvage yard.

Awning: A roof-like cover, usually of canvas or plastic, which can fold, collapse and retract, extended over or before places like storefront, window, door or deck as a shelter from the sun, rain, or wind.

Balcony: A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

Bank: A facility for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Barber shop: An establishment or place of business within which the practice of barbering is engaged in or carried on by one (1) or more barbers.

Basement: A space having one-half (0.5) or more of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6.5) feet.

Beauty salon: A commercial building, residence, or other building or place where hair cutting or styling or cosmetology is offered or practiced on a regular basis for compensation. This term includes the training of apprentices under the regulation of such training by the appropriate licensing board.

Bed and breakfast: Accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than thirty (30) consecutive days.

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom, and having a closet.

Beekeeping: The maintenance of honey bee colonies, commonly in hives, by humans.

Beer growler: An alcohol outlet that pours beers from a tap into reusable containers for off-site consumption. This definition does not include distilled liquor sales.

Beer or malt beverage: Any alcoholic beverage obtained by fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing up to fourteen (14) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Best management practices (BMP): Activities, procedures, structures or devices, systems of regulations and activities, or other measures that prevent or reduce pollution of the waters of the United States. BMPs are intended to: a) control soil loss, protect natural features such as trees, and reduce water quality degradation; b) control drainage from outside storage of materials; c) minimize adverse impacts to surface and groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands; and d) control industrial plant site runoff, spillage, leaks, sludge or waste disposal.

Blight: A state or result of being blighted or deteriorated; dilapidation or decay. A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare such as inadequate public or community services, vacant land with debris, litter, lack of utilities, accumulation of trash and junk or general disrepair including but not limited to peeling paint, broken windows, deteriorating wood. Also see chapter 18, article III of the Code.

311 *Block:* An area of land bounded by a street, or by a combination of streets and public parks,
312 cemeteries, railroad right-of-way, exterior boundaries of a subdivision, shorelines of waterways,
313 or corporate boundaries. In cases where the platting is incomplete or disconnected, the director of
314 planning may delineate the outline of the block.

315 *Blockface:* That portion of a block or tract of land facing the same side of a single street and
316 lying between the closest intersecting streets.

317 *Boarding house:* A building containing one (1) or more lodging units but not more than
318 twenty (20) lodging units, all of which offer non-transient lodging accommodations, available
319 only at weekly or longer rental rates to the general public. Meals may only be provided from a
320 single central kitchen and compensation for such meals, if provided, shall be included in the
321 weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be
322 provided.

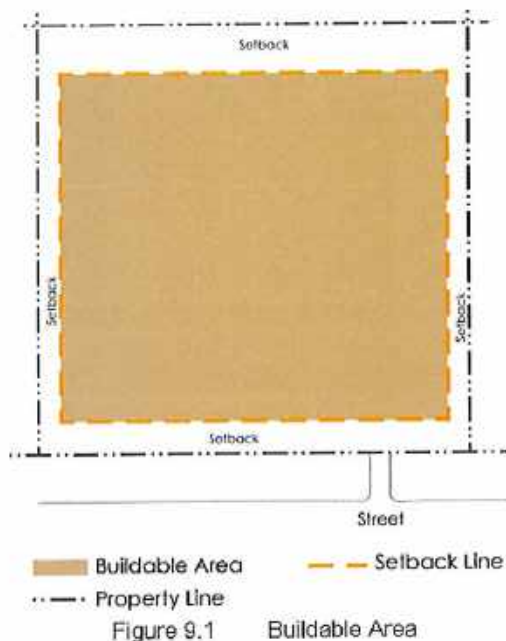
323 *Borrow pit:* A pit from which sand, gravel or other construction material is taken for use as
324 fill in at another location.

325 *Brewpub:* A commercial business which conducts the retail sale of beer (malt beverages
326 with alcohol content as defined by federal law) which is brewed on the premises in compliance
327 with applicable state and federal laws. Such establishments may also include restaurants as an
328 accessory use. See also Light malt beverage manufacturing.

329 *Broker:* A party that mediates between a buyer and a seller.

330 *Buffer:* That portion of a lot set aside for open space and/or visual screening purposes,
331 pursuant to a condition or conditions imposed in the enactment of a conditional zoning ordinance
332 or special land use permit or by the zoning board of appeals in the grant of a variance, to separate
333 different use districts, or to separate uses on one (1) property from uses on another property of
334 the same use district or a different use district. Any such buffer shall not be graded or otherwise
335 disturbed, and all trees and other vegetation shall remain, provided that additional trees and other
336 plant material may be added to such landscaped buffer.

337 *Buildable area:* The area of a lot remaining after all setback requirements, including buffers,
338 have been met.



Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, accessory: See Accessory building.

Building coverage: The maximum area of the lot that is permitted to be covered by buildings, including principal structures, structured parking and roofed accessory structures. For the purposes of this chapter, building coverage does not include wooden decks, stone walkway and patios set without grout, and pervious, permeable, or porous pavements.

Building entrance feature: An architecturally designed element for entrances and exits of the building.

Building footprint: The outline of the total area covered by a building's perimeter at the ground level.

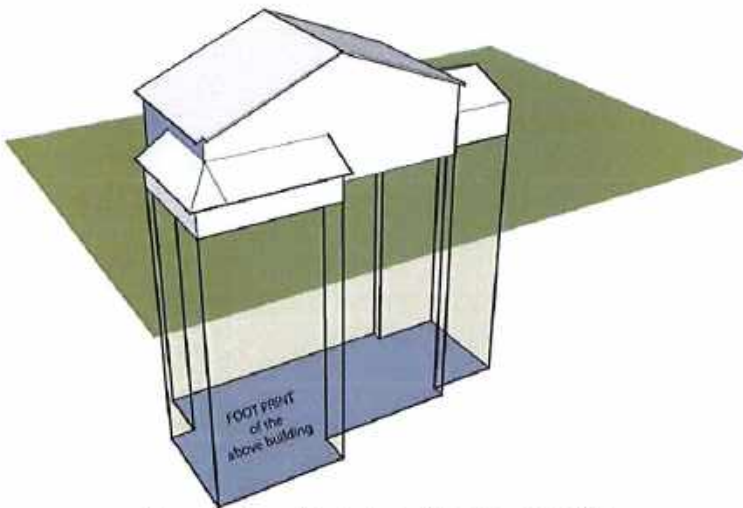


Figure 9.2 Illustration of Building Footprint

C:

Building form: A design term that refers to the shape and/or configuration of a building and the space created by the building. Attributes of building form may include: the building relationship to the street, sidewalk, and/or other buildings and uses; the general usage of floors (office, residential, retail) which influence form; height, and/or; physical elements of the building (such as stoops, porches, entrances, materials, window coverage).

Building frontage: The maximum width of a building measured in a straight line parallel with the abutting street or fronts upon a public street, a customer parking area, or pedestrian mall, and has one (1) or more entrances to the main part of the building or store.

Building height (as to all structures with the exception of single-family detached dwellings): The vertical distance from the average finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See article 5.

Building height (as to single-family detached dwellings): The vertical distance from the front-door threshold of the proposed residential structure to the highest point of the roof of the structure. See article 5.

Building mass: The overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components.

Building materials supply establishment: A facility for the sales of materials used in the construction of a building such as cement, brick, steel, etc.

Building, primary or principal: A structure in which is conducted the principal use of the lot on which it is located.

Building scale: The relationships of the size of the parts of a structure to one another and to humans.

Building width: The distance from the exterior face of the building siding as measured from side to side.

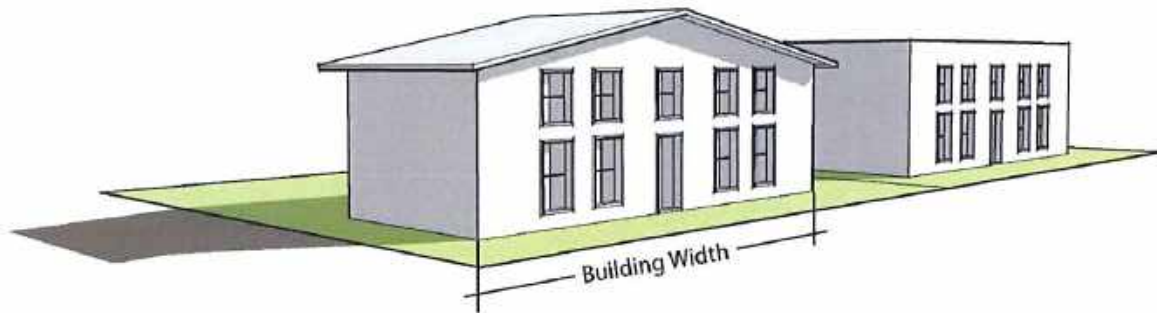


Figure 9.3 Illustration of Building Width

Bulkhead: A structural panel just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Bulkheads from the 19th century are often of wood construction with rectangular raised panels while those of the 20th century may be of wood, brick, tile, or marble construction.

Bury pit: A place where construction waste or refuse caused by the dismantling of a building or structure is dumped and covered with soil.

Bus rapid transit (BRT): A permanent, integrated transit system that uses buses or specialized vehicles on roadways or dedicated lanes to transport passengers to their destinations.

Business service establishment: An entity primarily engaged in rendering services to businesses on a fee or contract basis, including the following and similar services: advertising and mailing; building maintenance; employment services; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

Business vehicle: Vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. Business vehicle may include, but is not limited to: pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, limousines, taxi cabs, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four (4) wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

"C" weighted sound level: The sound level reported in units of dB(C) as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Campus style development: A development type which is primarily characterized by having several separate buildings on one (1) site, unified through design and landscape elements.

Canopy: A protective roof-like covering, often of canvas, mounted on a frame over a walkway or door.

Canopy tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Car wash: A facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Car wash, self-service: A car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Cat: A feline that has reached the age of six (6) months.

Catering establishment: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar: A space having less than one-half (0.5) or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six-and-one-half (6.5) feet.

Cemetery: Property used for the interring of the dead. See Georgia cemetery regulations.

Chapel: See Place of worship.

Check cashing facility: A person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

***Child care facility:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring facility" shall not include a "child day care center."**

***Child care home:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of up to five (5) children under the age of eighteen (18) are provided and which facility is licensed or permitted by the State of Georgia. The term "child caring home" shall not include a "child day care center."**

~~*Child caring institution:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or facility."~~

~~*Child caring institution, community:* A child caring institution that offers care to seven (7) or more children.~~

~~*Child caring institution, group:* A child caring institution that offers care to between four (4) and six (6) children.~~

Child day care center: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children

who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody.

~~*Child day care facility:* An establishment operated by any person with or without compensation providing for the care, supervision, and protection of six (6) or fewer children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child day care facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.~~

Church: See Place of worship.

Cistern: An underground reservoir or tank for storing rainwater.

City: The City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

Clinic, health services: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity or physical condition, including but not limited to a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

Club, private: A group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and sexually oriented businesses which shall be defined and regulated as otherwise provided herein. Private club shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

Clubhouse: A structure in which the activities of a private club are conducted.

Cluster housing development: A development that permits a reduction in lot area provided there is no increase in overall density of development, and in which all remaining land area is perpetually and properly protected, maintained and preserved as undivided open space or recreational or environmentally sensitive areas.

Code: The City of Stonecrest Code of Ordinances.

Coliseum: A large building with tiers of seats for spectators at sporting or other recreational events.

Collector street: A street or road designated as a collector street in the DeKalb County Transportation and Thoroughfare Plan.

College: A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This shall also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

Collocation: See section 4.2.57.B.

Colonnade: A series of columns placed at regular intervals, usually supporting a roof.

Columbarium: A structure with niches for the placement of cinerary urns.

Commercial district: Any parcel of land which is zoned for any commercial use including regional commercial centers, neighborhood and community oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such districts would include O-I, O-I-T, C-2, NS, and C-1.

Commercial parking garage/structure: A covered or sheltered structure of one (1) or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial parking lot: An uncovered or unsheltered structure of one (1) or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Common open space: Open space designed for common use by all property owners in the development.

Common ownership: Ownership as recognized by law of real property by one (1) or more persons, their parents, brothers, sisters, children over the age of eighteen (18), spouses or any association, firm, corporation or partnership in which such person or spouse is a corporate officer, partner or is a stockholder with an ownership interest of ten (10) or more percent.

Community garden: See Urban garden.

Community living arrangement: See personal care home, **personal care facility**.

Compact design: The design of a structure and or development that encourages efficient land use and the preservation of open space, usually via building more vertically, and by minimizing surface parking.

Compatible (as used in article 2, purpose and intent for each established district): Land development that is consistent with existing, identified physical elements in proximity to that land development, such as architectural style, building mass, building scale, land uses, and landscape architecture.

Complainant: Any person who has registered a noise or code complaint with an authorized enforcement agency that he or she is the recipient of noise or nuisance on a protected property category. A complainant must have an interest in the protected property as an owner, tenant, or employee.

Complete or complete application: When used in conjunction with an application under this zoning ordinance, the term "complete" shall mean containing all of the required elements, information, fees, approvals or other materials as set forth in this zoning ordinance, other applicable provisions of the Code, state law, and in the most recent checklist previously issued by the director of planning.

Composting: The controlled biological decomposition of organic matter into a stable, odor-free humus.

Comprehensive plan: The DeKalb County Comprehensive Plan adopted by the board of commissioners, as adopted by the City of Stonecrest, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long-term planning and use of land.

Concert hall: An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for concerts, spectator sports, entertainment events, expositions, and other public gatherings. Typical uses and structures include concerts, conventions, exhibition halls, sports arenas, and amphitheaters.

Conditional approval: The imposition of special requirements, whether expressed in written form or as a site plan or other graphic representation, made a requirement of development permission associated with a particular parcel or parcels of land and imposed in accordance with the terms of this chapter.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

Condominium unit: A unit intended for any type of use with individual ownership, as defined in the Georgia Condominium Act, together with the undivided interest in the common elements appertaining to that unit.

Connectivity ratio: A ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a street, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.
3. A node shall be the terminus of a street or the intersection of two (2) or more streets. Any curve or bend of a street that exceeds seventy-five (75) degrees shall receive credit as a node. Any curve or bend of a street that does not exceed seventy-five (75) degrees shall not be considered a node. A divided entrance shall only count once.

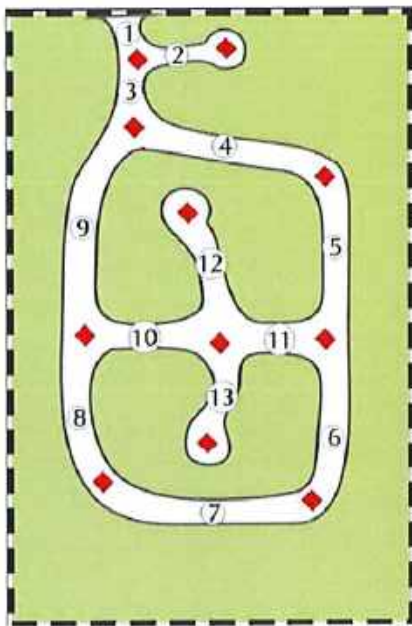


Figure 9.4 Example 1: Does not meet ratio

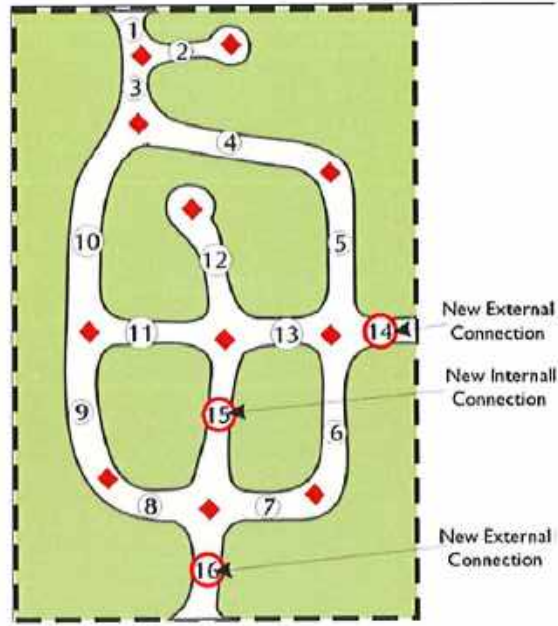


Figure 9.5 Example 2: Modified to meet ratio

(13 links / 11 nodes = 1.18)

(16 links / 11 nodes = 1.45)

Conservation area: Any area designated as containing physical features of natural, historical, social, cultural, architectural, or aesthetic significance to be restored to or retained in its original state or enhanced to promote existing natural habitat.

Conservation easement: A restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use.

Construction: Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.

Continuous sound: Any sound with duration of more than one (1) second, as measured with a sound level meter set to the "slow" meter response.

Contractor, general: A contractor or builder engaged in the construction of buildings like residences or commercial structures.

Contractor, heavy construction: A contractor or builder engaged in the heavy construction activities such as paving, highway construction, landscaping, and utility construction.

Contractor, special trade: Industries in the special trade contractors subsector engage in specialized construction activities, such as plumbing, painting, and electrical work.

Convalescent home: A nursing care facility.

Convenience store: Any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. A convenience store may also include accessory fuel pumps.

Convent: A building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Cornice: Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Corridor: A broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

Cottage development: Small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.

County or city solid waste: Any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single family, duplex, and multifamily residences, hotel and motels, picnic grounds and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

County or city solid waste disposal facility: Any facility or location where the final deposition of any amount of county or city solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, county or city solid waste landfills and county or city solid waste thermal treatment technology facilities.

County or city solid waste landfill: A disposal facility where any amount of county or city solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Cremation: The reduction of a dead human body or a dead animal body to residue by intense heat.

Crematorium: A location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

Cultural facility: A building or structure that is primarily used for meetings, classes, exhibits, individual study, referral services, informational and entertainment presentations, and other similar programs oriented around the customs and interests of a specific group of people,

including but not limited to an immigrant, ethnic, or national minority group, or the heritage of defined geographic region. Movies, theater performances and similar entertainment may occur in a cultural facility, but the purpose of the cultural facility is not to provide a venue solely for such entertainment. A cultural facility may be programmed, managed, or operated by a public, private, or non-profit entity.

Curb cut: A curb break, or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

Dairy: A commercial establishment for the manufacture, processing, or sale of dairy products.

Dance school: A school where classes in dance are taught to four (4) or more persons at a time.

Day: Unless otherwise stated, day or days refer to calendar days.

Day spa: See Health spa.

Decay resistant wood: Wood harvested from tree species that are known to have extractives in the heartwood which are toxic to fungi.

Decibel (dB): The unit for the measurement of sound pressure based upon a reference pressure of twenty (20) micropascals (zero (0) decibels), i.e., the average threshold of hearing for a person with very good hearing.

Deciduous tree: A tree that loses all of its leaves for part of the year.

Deficiencies: Exterior conditions or signs of neglect within a conservation subdivision and within the Stonecrest Area Overlay District that contributes to nuisances, hazards, or unkempt appearances, such as, but not limited to: uncut or overgrown grass or weeds, peeling paint, severe corrosion, or wood rot; accumulation of trash or debris; fallen, dead, dying, damaged, or diseased trees or shrubbery; severe erosion; stagnant pools of water; broken inoperable, or severely damaged benches, seating, paving, walls, fences, gates, signs, fountains or other structures, furnishings or equipment which is intended for decoration or use by the public. This definition shall only be applicable to the Stonecrest Area Overlay District regulations and the conservation subdivision regulations.

DeKalb County Transportation and Thoroughfare Plan: The DeKalb County Transportation and Thoroughfare Plan, as adopted by the board of commissioners and by the City of Stonecrest, as amended from time to time.

Demolition: Any dismantling, destruction or removal of buildings, structures, or roadways whether man-made or natural occurring both above and below ground.

Demolition of an infill building: The destruction and removal of an existing building or structure in whole or in part whether such destruction and removal involves removal of all or part of the prior foundation.

Density: The number of dwelling units per gross acreage of land.

Dental clinic: See Office, dental.

Department of community affairs (DCA): The state department that provides a variety of community development programs to help the state's communities realize their growth and development goals.

Department store: A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited, and sold directly to the customer for whom the goods and services are furnished.

Deterioration: A condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance, or excessive use.

Development permit: Any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

Development of regional impact (DRI): A large-scale development that is likely to have regional effects beyond the local government jurisdiction in which it is located and meets the DCA requirements for review.

Director of planning: The Director of the Department of Planning and Sustainability, or his/her designee.

Dispatch office: An office used exclusively for the communication and dispatch of taxis, ambulances, limousines and similar vehicles, with no fleet parking or storage allowed.

Disposal facility: Any facility or location where the final deposition of solid waste occurs including, but is not limited to, landfills and solid waste thermal treatment technology facilities.

Dog: A canine that has reached the age of six (6) months.

Dog day care: Any premises containing four (4) or more dogs, where dogs are dropped off and picked up daily between the hours of 7:00 a.m. and 7:00 p.m. for temporary care on site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such dog day care. See Kennel, commercial.

Dog grooming: The hygienic care and cleaning of a dog, as well as enhancement of a dog's physical appearance.

Dormitory: A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, and located on the campus of that institution.

Dripline: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-in theater: An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

Drive-through facility: A business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-through restaurant: A retail establishment where food and/or drinks are prepared and may be consumed by customers within the principal building, or may be ordered and picked up from an exterior service window that serves customers while in their automobiles. The term "drive-through restaurant" includes restaurants that serve customers at an exterior walk-up service window.

Driveway: A private roadway providing access for vehicles to an individual lot, parking space, garage, dwelling, or other structure.

Dry cleaning agency: An establishment or agency maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant: An establishment for dry cleaning or laundry where the operation, equipment and machinery is on site.

Durable materials: Materials that can resist wear, tear and decay from use, time and other conditions like weather.

Dwelling, mobile home: See Mobile home.

Dwelling, multi-family: See Dwelling unit, multi-family.

Dwelling, single-family: A building designed for and containing one (1) dwelling unit.

Dwelling, single-family attached: A dwelling unit located in a building in which multiple units are attached by a common party wall.

Dwelling, single-family detached: A dwelling unit on an individual lot unattached to another dwelling unit.

Dwelling, single-family detached condominiums in the Residential Neighborhood Conservation District: Single family detached dwelling units which are owned under the condominium form of ownership such that there are no individual lots associated with the units and the common areas are held in common ownership by a condominium association.

Dwelling, three-family or triplex: A building designed for and containing three (3) dwelling units.

Dwelling, two-family or duplex: A building designed for and containing two (2) dwelling units.

Dwelling, urban single-family: Residential buildings that share similar configuration to townhouse developments; however, they may be attached or detached and may have lot lines that coincide with the building envelope.

Dwelling unit: One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling unit, accessory: A dwelling unit located on the same lot as a single-family dwelling, either within or attached to the single-family dwelling, or detached, and is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities.

735 *Dwelling unit, efficiency or studio:* A self-contained residential unit consisting of not more
736 than one (1) room together with a private bath and kitchen facilities.

737 *Dwelling unit, multi-family:* One (1) or more rooms with a private bath and kitchen facilities
738 comprising an independent, self-contained residential unit in a building containing four (4) or
739 more dwelling units.

740 *Dyeworks:* A facility or workshop where the process of applying a comparatively permanent
741 color to fiber, yarn or fabric takes place.

742 *Edifice:* A building or a structure, especially one (1) of imposing appearance or size, which
743 has a roof and walls and stands permanently in one (1) place.

744 *Elevation:* An architectural term referring to the view of a building seen from one (1) side; it
745 is a flat representation of one (1) façade. This is the most common view used to describe the
746 external appearance of a building. Each elevation is labeled in relation to the yard it faces (front,
747 rear or side).

748 *Elevation height:* Above sea level or ground level. See Grade, existing.

749 *Emergency work:* Any work or action necessary to deliver essential services including, but
750 not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public
751 transportation facilities, removing fallen trees on public rights-of-way, dredging navigational
752 waterways, or abating life-threatening conditions.

753 *Enclosed area:* Surrounded by a fence or walls, sheltered by a structure with a roof and no
754 side walls, but not located within a building.

755 *Encroachment:* A building or some portion of it, or a wall or fence, which extends beyond
756 the land of the owner and illegally intrudes upon land of an adjoining owner, a street or an alley.

757 *Environmental contamination:* A presence of hazardous substance(s) in the environment.
758 From the public health perspective, environmental contamination is addressed when it potentially
759 affects the health and quality of people living or working nearby.

760 *Exceptional topographical restrictions:* The physical condition of a lot or parcel, determined
761 by the contours of the land itself, which may inhibit or alter the compliant status of an existing or
762 proposed structure.

763 *Explosive manufacture or storage:* The manufacture or storage of any chemical compound
764 mixture or device, the primary and common purpose of which is to function by explosion with
765 substantially simultaneous release of gas and heat, the resulting pressure being capable of
766 producing destructive effects.

767 *Exterior insulation and finishing system (EIFS):* A type of building exterior wall cladding
768 system that provides exterior walls with an insulated finished surface and waterproofing in an
769 integrated composite material system.

770 *Extraneous sound:* A sound of high intensity and relatively short duration which is neither
771 part of the neighborhood residual sound, nor comes from the sound source under investigation.

772 *Façade:* One exterior side of a building, usually, but not always, the front. In this chapter
773 and the design standards, it may be synonymous with architectural elevation. In architecture, the

façade of a building is often the most important from a design standpoint, as the façade elements of wall face, parapet, fascia, fenestration, and canopy establish the architectural aesthetic of a building creating the public realm.

Façade, primary: Refers to the exterior building wall considered the front and features the main entrance to the building. Synonymous with front façade.

Fair market value: The price a property would likely bring if offered for sale in the marketplace.

Fairgrounds: An area of land use including but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. Fairgrounds do not include racetracks or motorized contests of speed.

Family: One (1) or more individual(s) related by blood, marriage, adoption, or legal guardianship, or not more than three (3) unrelated individuals, who live together in a single dwelling unit and who function as a single housekeeping unit, have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses and responsibilities. This definition shall include three (3) or fewer mentally handicapped, developmentally disabled persons, and other handicapped persons, as defined in the Fair Housing Act, 42 U.S.C. § 3601 et seq., living as a housekeeping unit and otherwise meeting the definition of "family" herein. For the purposes of calculating the number of persons who live in a dwelling, family members who are related by blood or legal status shall count as one (1) person.

Family day care home: A private residence in which a business, registered by the State of Georgia, is operated by any person who receives pay for supervision and care for fewer than twenty-four (24) hours per day, not more than six (6) persons who are not residents in the same private residence. For purposes of this zoning ordinance, a family day care home may be operated as a home occupation, subject to the requirements of this zoning ordinance.

Family-oriented entertainment venues: Places of entertainment intended to serve families.

Farm equipment and supplies sales establishment: Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farmer's market: A market, usually held out-of-doors, in public spaces, where farmers and other vendors can sell produce or value added products.

Farming, active: The growing of crops, plants, and trees. The term also includes the maintaining of horses, livestock, or poultry for the residents' needs or use, and the sale of agricultural products grown on the premises.

Fascia: A type of roof trim mounted on exposed rafter ends or top of exterior walls to create a layer between the edge of the roof and the outside.

Fat rendering: Any processing of animal byproducts into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

Fee simple: Absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance. Fee simple ownership includes the land immediately underneath a unit, and may or may not include land in front of and behind a building.

Fee simple condominium declaration: An official affidavit filed attesting to the fact that the owner of a condominium development that was the subject of a site development plan approved prior to August 31, 2012, no longer intends to sell units in the subject development as condominiums and will offer for sale such units as fee simple condominium units and that otherwise the development shall conform to a previously approved condominium development plan consisting of the same units along with the same related facilities on the same tract of land as the previously approved condominium development.

Fee simple condominium development: A development where the owner of a unit possesses fee simple interest to the exterior walls and roof of the unit, as well as fee simple interest to the land lying immediately beneath the unit and coincident with the external walls of such unit as depicted on a recorded final plat. A fee simple condominium unit must be a part of an approved development in which all other land consists of privately owned common areas, utilities, streets, parking, stormwater management, landscaping and other facilities that are owned by all unit owners on a proportional, undivided basis in compliance with Georgia law and subject to a mandatory property owners association organized in accordance with Georgia law.

Fence: A structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the director of planning.

Fenestration: The arrangement, proportioning, and design of windows and doors in a building.

Fertilizer manufacture: The manufacture and storage of organic and chemical fertilizer, including manure and sludge processing.

Fitness center: Building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee but specifically excluding sexually oriented businesses. Accessory uses which support the principal use can include therapy treatments such as massage, mediation and other healing arts. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Flea market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floodplain: Land within the special flood hazard area (SFHA) or covered by the "future-conditions" flood as defined in chapter 14 of the Code.

Floodway: The channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the special flood hazard area (SFHA) flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area: The gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building. For non-residential construction, net floor area is measured as the usable, heated floor space and gross floor area is measured as the total floor space.

Floor area of accessory building: The gross horizontal areas of the floors of an accessory building, measured from the exterior faces of the exterior walls of the accessory building.

Floor area ratio (FAR): The relationship between the amount of gross floor area permitted in a building (or buildings) and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For purposes of this calculation, parking areas or structures shall not be included in floor area.

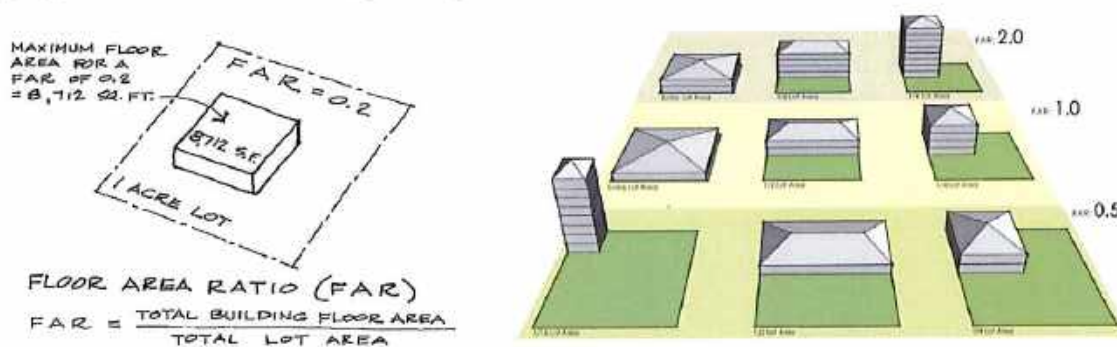


Figure 9.6 Illustration of Floor Area Ratio (FAR)

Florist: An enclosed retail business whose principal activity is the selling of plants which were grown off-site.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Fortunetelling: Fortunetelling shall include all forms of foretelling, including, but not limited to, palm reading, casting of horoscopes, and tea leaf reading.

Fraternal organization: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements. See also Club.

Fraternity house: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

Freestanding wall: A wall or an upright structure of masonry, wood, plaster, or other building material standing on its own foundation and not attached to any part of a building.

Freeway: A multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes which permits access only at designated interchanges and is so designated in the comprehensive plan.

Freight service: An establishment primarily engaged in undertaking the transportation of goods and people for the compensation, and which may in turn make use of other transportation

884 establishments in effecting delivery. This definition includes parking lots for overnight truck
885 storage, and such establishments as commercial distribution services, freight forwarding
886 services, and freight agencies.

887 *Frequency:* The time rate of repetition of sound waves in cycles per second, reported as
888 Hertz (Hz), also referred to as "pitch."

889 *Frontage, lot:* The horizontal distance for which the boundary line of a lot and a street right-
890 of-way line are coincident.

891 *Front façade:* See Façade, primary.

892 *Fuel and ice dealers, manufactures and wholesaler:* An establishment primarily engaged in
893 the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas,
894 bottled or in bulk, as a principal use.

895 *Funeral home:* A building used for the preparation of deceased humans for burial or
896 cremation and display of the deceased and rituals connected therewith before burial or cremation,
897 including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies, and
898 where allowed by use standards, crematoriums. See Crematorium.

899 *Furniture sales and showroom:* A retail trade establishment primarily engaged in the sale
900 and exhibition of furniture or home decoration items.

901 *Garage:* A part of a residential building or a separate structure on the same lot as the
902 residence designed to be used for the parking and storage of vehicles that belong to the residents
903 or visitors of the building.

904 *Garage, parking:* See Parking garage or Parking structure.

905 *Gas regulator station:* An assemblage of equipment which reduces, regulates, and meters
906 natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor
907 station piping. This may include auxiliary equipment such as valves, control instruments, or
908 control lines as well as piping.

909 *General business office:* Any building or part of a building in which one (1) or more persons
910 are employed in the management or direction of an agency, business or organization, but
911 excludes such uses as retail sales, manufacturing, assembly or storage of goods, or assembly and
912 amusement.

913 *Gift shop:* A retail store where items such as art, antiques, jewelry, books, and notions are
914 sold.

915 *Glue manufacture:* The manufacturing of glue, epoxy, sealant or other adhesives.

916 *Go-cart:* A small low motor vehicle, with four (4) wheels and an open framework, used for
917 racing.

918 *Go-cart concession:* A place, usually sheltered, where patrons can purchase snacks or food
919 accessory to go-cart racing.

920 *Go-cart track:* A track or network of tracks used for the racing of go-carts.

Golf course: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, green, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses.

Grade, average finished: The average level of the finished surface of the ground adjacent to the exterior walls of the building determined by dividing the sum of the elevation of the highest point and the elevation of the lowest point by two (2).

Grade, existing: The elevation of the ground surface before development.

Grade, finished: The final grade of the ground surface after development.

Grassed playing fields: Reasonably flat and undeveloped recreation areas intended for a variety of informal recreational uses, including but not limited to: walking, kite-flying, flying disc-throwing, and recreational games of soccer, softball, or cricket. In the creation of grassed playing fields, minimal grading may be used; however, specimen trees may not be damaged or removed. Grassed playing fields may not include recreation areas with amenities for a particular sport, such as baseball diamonds or golf courses.

Gravel pit: An open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-site use. Gravel pit includes sifting, crushing, and washing as part of the primary operation. To excavate the rock, blasting also may be necessary.

Grazing land, pasture land: Any open land area used to pasture livestock in which suitable forage is maintained over eighty (80) percent of the area at all times of the year.

Greenhouse, commercial: A retail or wholesale business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

Greenspace: Undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development, which is not a part of an individual residential lot.

Grid pattern: A continuous web of streets in which most streets terminate at other streets to form multiple vehicular and pedestrian connections. Streets are to be laid out with primarily linear features, but the grid may be broken by circles, ovals, diagonals, and natural curves to add visual interest.

Grocery store: A store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than convenience stores.

Ground cover: Small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation, that normally cover the ground and include trees of less than six (6) inches caliper.

Group homes: See Child caring facility, **child care home** institution, Personal care homes, **group**, **Personal care facility**, Transitional housing facility.

Gym: See Fitness center.

Hardscape: The inanimate elements of landscaping, especially any masonry work or woodwork. For instance, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors would all be considered part of the hardscape.

Hardship: A condition of significant practical difficulty in developing a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties and which are not self-imposed.

Hardware store: A facility of thirty thousand (30,000) or less square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery. *Health spa:* A nurturing, safe, clean commercial or not-for-profit establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services. This specifically excludes sexually oriented businesses.

Heavy industrial: See Industrial, heavy.

Heavy manufacturing: See Industrial, heavy.

Heavy vehicle repair: Major or minor repair of non-passenger vehicles that are classified by the Georgia Department of Driving Services as a Class E, F, or Commercial vehicle.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

High-rise building or structure: A building of any type of construction or occupancy having floors used for human occupancy located more than fifty-five (55) feet above the lowest floor level having building access of three (3) stories or greater unless otherwise defined by individual zoning or overlay district.

High-rise in the I-20 Corridor Overlay District: A building in the I-20 Corridor Overlay District that is nine (9) or more stories in height.

High-rise in the Stonecrest Area Overlay District: A building in the Stonecrest Area Overlay District that is eleven (11) or more stories in height.

Historic: A building, structure, site, property or district identified as historic by the Stonecrest City Historic Preservation Commission, by listing on the Georgia or National Register of Historic Places, by listing as a National Historic Landmark, or determined potentially eligible for listing in the National Register of Historic Places as a result of review under Section 106 of the National Historic Preservation Act, as amended.

Hobby, toy and game store: A retail establishment for sale and exhibition of items related to hobbies such as arts and crafts materials, toys, or items related to games.

Home improvement center: A facility greater than thirty thousand (30,000) square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Home occupation: An occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes and is operated in accordance with the provisions of this chapter. Home occupation does not include "private educational use" as defined in this chapter.

Home stay bed and breakfast residence: A single-family dwelling in which is provided not more than two (2) rooms for not more than four (4) people for overnight rental and a morning meal to transient persons for compensation on a nightly basis by the occupant of said dwelling.

Hospice: Any facility that provides coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital: An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel/motel: An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

Hotel/motel, extended stay: Any building containing six (6) or more guest rooms rented or leased for sleeping purposes for periods less than one (1) month, but in excess of one (1) week, and that contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens.

Household pet: A domestic animal that is customarily kept for pleasure rather than utility or profit and that is normally kept within a residence for personal use and enjoyment including domestic dogs, domestic cats, domestic potbellied pigs, canaries, parrots, parakeets, domestic tropical birds, hamsters, guinea pigs, lizards and turtles. Household pet does not include livestock, poultry, and snakes, nor does it include hybrids of animals normally found in the wild.

Impervious surface: A surface that either prevents or retards the entry of surface water into the soil mantle and causes surface water to run off in greater quantities or at an increased flow rate when compared to natural, undeveloped soil mantle. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, pavement graveled areas, packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface waters. Open uncovered flow control or water

quality treatment facilities shall not be considered as impervious surfaces. See Lot coverage for exemptions.

Impulsive sound: A single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one (1) second characterized with an abrupt onset and rapid decay.

INCE: The Institute of Noise Control Engineering.

Industrial district: Any parcel of land which is zoned for industrial use including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, truck terminals and landfills. Such districts include M and M-2 districts.

Industrial, heavy: The building or premises where the following or similar operations are conducted: processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, including the wholesale or distribution of said goods, merchandise, or equipment when not conducted wholly within a building or other enclosed structure or when such operations generate measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Industrial, light: The following or similar operations: processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, other than light malt beverages, including the wholesale or distribution of said goods, merchandise, or equipment, when conducted wholly within a building or other enclosed structure, and when such operations generate no measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Industrial solid waste: Solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Industrialized building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

Infill building: Any building built or proposed to be built on an infill lot.

Infill development: A development surrounded by or in close proximity to areas that are substantially or fully developed.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician or dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency as may have jurisdiction. The term "intermediate care" means the provision of food, including special diets

when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

Intermodal freight terminal: An industrial establishment in which freight is transferred in containers from truck to railroad cars for transportation.

Inter-parcel access: A physical way or means to facilitate movement of pedestrians and/or vehicles between adjacent lots (that is, "lot-to-lot access") without generating additional turning movements on a public street.

Jewelry repair shop: Establishment primarily engaged in the provision of jewelry repair services to individuals.

Junk vehicle: Any vehicle that is in such a state of disrepair as to be inoperable and does not bear a current license plate.

Junkyard: Any lot or lot and building(s) in combination which is utilized for the parking, storage or disassembling of junk vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other old household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

Keeping of chickens: The breeding, boarding, and caring of chickens for personal or agriculture use, or raised for sale and profit.

Keeping of livestock: The breeding, boarding and caring of livestock for personal or agricultural use, or raised for sale and profit.

Keeping of pigeons: The breeding, boarding, and caring of pigeons for personal or agriculture use, or raised for sale and profit.

Kennel, breeding: A kennel where no more than ten (10) dogs, registered with a nationally recognized registration organization, over the age of six (6) months are owned, kept or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos or to animal hospitals operated by a veterinarian, duly licensed under the law.

Kennel, commercial: An establishment for the boarding, caring for and keeping of dogs over the age of six (6) months other than a breeding kennel or a noncommercial kennel.

Kennel, noncommercial: An establishment for the boarding, caring for and keeping of more than three (3) but not more than ten (10) dogs over the age of six (6) months, not for commercial purposes.

Kidney dialysis center: An establishment where a process of dialysis, an artificial process of getting rid of waste and unwanted water from blood, is carried out for the patients whose kidneys have been damaged or lost kidney function.

Kindergarten: An establishment operated by any person wherein compensation is paid for providing for the care, supervision, instruction, and protection of seven (7) or more children who are under the age of seven (7) years for less than twenty-four (24) hours per day, without transfer of legal custody. For the purpose of this zoning ordinance, a kindergarten school is considered to be a child day care center or facility.

Kiosk: A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Kitchenette: A small, compact apartment kitchen, often part of another room utilized for different activities.

Kitchen facilities: A room used to prepare food containing, at a minimum, a sink and a stove or oven.

Laboratories (medical/dental): A facility offering diagnostic or pathological testing and analysis of diagnostic tests related to medical or dental care industry.

Land use: A description of how land is occupied or utilized.

Landfill: An area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

Landscape area: An area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

Landscape business: A business whose primary operation is the sale and installation of organic and inorganic material, plants, pine straw and other limited accessory products for the landscape industry and the storage and use of associated landscape vehicles and equipment.

Landscape strip: A strip intended to be planted with trees, shrubs, or other vegetation. Same as landscape zone.

Landscaped space: The areas of a parking lot which are planted with trees, shrubs and ground cover, plazas, fountains and other hardscape elements and similar features which are located within such parking lot and which are generally accessible to patrons or the general public during normal business hours.

Large-scale retail: A singular retail or wholesale user who occupies no less than sixty thousand (60,000) square feet of gross floor area.

Late-night establishment: Any establishment licensed to dispense alcoholic beverages for consumption on the premises where such establishment is open for use by patrons beyond 12:30 a.m.

Laundry: A facility used or intended to use for washing and drying of clothes and fabrics.

Laundry, coin operated: A self-service laundry facility where clothes are washed and dried by washing and drying machines that require coins to operate.

1157 *Laundry pick-up station:* A facility where clothes and linens are dropped off for laundry or
1158 dry cleaning and where clothes and linen are picked up once they are cleaned. These facilities do
1159 not perform dry cleaning on site. See Dry cleaning agency.

1160 *Leachate collection system:* A system at a landfill for collection of the leachate which may
1161 percolate through the waste and into the soils surrounding the landfill.

1162 *Leasing office:* A facility where commercial or residential spaces available for renting are
1163 exhibited, or where documents related to the lease agreements are prepared. This facility may
1164 also be used to collect rent or used by occupants to report needs of services or other support.

1165 *Library:* A public facility, a room or building, for the exhibition and use, but not sale of
1166 literary, scientific, historical, musical, artistic or reference materials.

1167 *Light industrial:* See Light manufacturing establishment.

1168 *Light malt beverage manufacturer:* A malt beverage manufacturer licensed as a brewpub per
1169 O.C.G.A. § 3-5-36 or licensed as a brewery per O.C.G.A. § 3-5-24. All state and federal
1170 licensing and regulatory requirements shall be met prior to the approval of a certificate of
1171 occupancy for this use. See also Brewpub.

1172 *Light manufacturing:* See Industrial, light.

1173 *Liner building:* A specialized building, parallel to the street, which is designed to conceal
1174 areas like a parking lot, parking deck or loading docks.

1175 *Liquor store:* See Alcohol outlet.

1176 *Live-work unit:* A structure or portion of a structure that combines residential living space
1177 with an integrated work space used principally by the occupant of the unit.

1178 *Livestock:* Domestic animals and fowl customarily kept on a farm including horses, mules,
1179 donkeys, cows, cattle, sheep, goats, ducks, geese and turkeys.

1180 *Lodge:* A membership organization that holds regular meetings and that may, subject to
1181 other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage
1182 professional entertainment for the enjoyment of dues paying members and their guests. There are
1183 no sleeping facilities. This definition shall not include fraternities or sororities. (See also fraternal
1184 organization.)

1185 *Lodging unit:* One (1) or more rooms, designed, occupied, or intended for occupancy as a
1186 separate living quarter, with sleeping, and bathroom facilities provided within the lodging unit
1187 for the exclusive use of a single family maintaining a household.

1188 *Lot:* A portion or parcel of land intended as a unit for transfer of ownership or for
1189 development or both, intended to be devoted to a common use or occupied by a building or
1190 group of buildings devoted to a common use, and having principal frontage on a public road or
1191 an approved private road or drive.

1192 *Lot area:* The total area within the lot lines of a lot, excluding any street rights-of-way.

1193 *Lot, buildable area of:* See Buildable area.

Lot, conforming: A designated parcel, tract, or area of land which meets the lot area, lot width and street frontage requirements of this chapter.

Lot, contiguous (as used in section 8.1.4): Lots adjoining the rear or either side of the lot(s).

Lot, corner: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street.

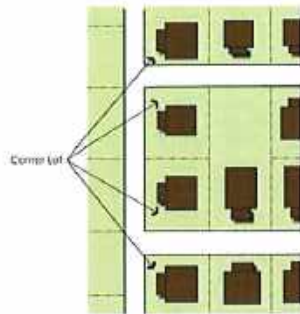


Figure 9.7 Corner Lots

Lot coverage: That portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious.

Lot, double-frontage: A lot that abuts two (2) parallel streets or that abuts two (2) streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

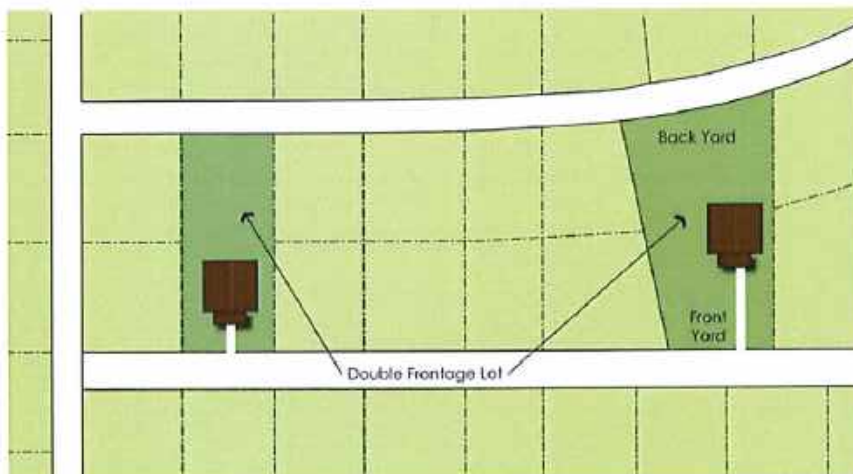


Figure 9.8 Double Frontage Lots

C:

Lot, flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. A flag lot may also be referred to as a panhandle lot.

Lot, interior: A lot, other than a corner lot, abutting only one (1) street.

Lot, irregular: A lot of such a shape or configuration that technically meets the area, frontage, and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

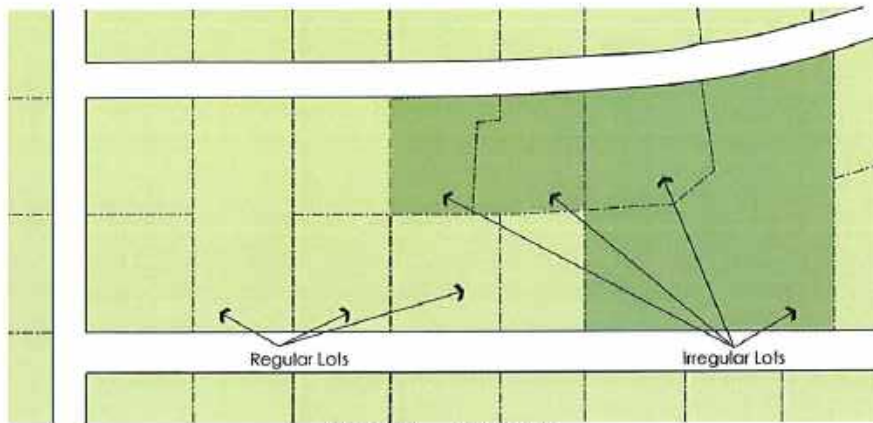


Figure 9.9 Irregular lots

C:

Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Clerk of Superior Court of DeKalb County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

Lot of record, nonconforming: A designated parcel, tract, or area of land legally existing at the time of the enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter.

Lot remnant: Any portion or portions of a lot not suitable for building because of its size and remaining after the transfer of other portions of said lot to adjoining lots.

Lot, substandard: A designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record.

Lot width: The horizontal distance measured at the building line between the side lines of a lot, measured at right angles along a straight line parallel to the street, or in case of a curvilinear street, parallel to the chord of the arc.

Low-rise in the I-20 Corridor Overlay District: A building in the I-20 Corridor Overlay district that is one (1) to four (4) stories in height.

Low-rise in the Stonecrest Area Overlay District: A building in the Stonecrest Area Overlay district that is one (1) to three (3) stories in height.

Lumber supply establishment: A facility for manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

1241 *Mail room:* A room in an office which mail and package shipments are prepared and
1242 deliveries accepted.

1243 *Major automobile repair and maintenance shop:* See Automobile repair, major.

1244 *Major intersection:* The intersection of a major arterial striate with a major or minor arterial
1245 street.

1246 *Major modification:* See section 4.2.57.B.

1247 *Major modification to zoning conditions:* See article 7.

1248 *Major thoroughfare:* A street, road or highway shown as a major thoroughfare in the
1249 DeKalb County Transportation and Thoroughfare Plan.

1250 *Manufactured home, class I:* A single-family dwelling unit that is constructed in accordance
1251 with the Federal Manufactured Home Construction and Safety Standards and bears an insignia
1252 issued by the U.S. Department of Housing and Urban Development, or a single family dwelling
1253 unit that, if constructed prior to applicability of such standards and insignia requirements, was
1254 constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

1255 *Manufactured home, class II:* A single-family dwelling unit meeting the requirements of a
1256 Manufactured Home Class I and, in addition, bears the insignia of the Southern Standard
1257 Building Code Congress International.

1258 *Manufacturing, heavy:* See Industrial, heavy.

1259 *Manufacturing, light:* See Industrial, light.

1260 *Massage establishment:* Any business properly licensed under section 15-266 that is
1261 established for profit and employs one (1) or more massage therapists, operates or maintains for
1262 profit one (1) or more massage apparatus, and which, for good or valuable consideration, offers
1263 to the public facilities and personnel for the administration of massages, within the meaning of
1264 said section 15-266. This term shall not include hospitals or other professional health care
1265 establishments separately licensed as such by the State of Georgia.

1266 *Materials recovery facility:* A handling facility that provides for the extraction of
1267 recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination
1268 of such materials.

1269 *Mausoleum:* A building containing above-ground tombs.

1270 *Meat processing:* A building where live animals are killed and processed; and/or a building
1271 where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not
1272 include a butcher shop or rendering plant.

1273 *Medium and high density residential zoning districts.* Any of the following zoning districts:
1274 R-SM, MR-1, MR-2, HR-1, HR-2, and HR-3
1275 *Mid-rise in the I-20 Corridor Overlay District:* A building in the I-20 Corridor Overlay district that is five (5) to eight (8) stories in height.

1276 *Mid-rise in the Stonecrest Area Overlay District:* A building in the Stonecrest Area Overlay
1277 district that is four (4) to ten (10) stories in height.

1278 *Mine:*

1. A cavity in the earth from which minerals and ores are extracted; and

2. The act of removing minerals and ores from the earth.

Mineral extraction and processing: Extraction and processing of metallic and nonmetallic minerals or materials, including rock crushing, screening, and the accessory storage of explosives.

Mini-warehouse: A building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and may include climate control.

Miniature golf course: A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Mining: Extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term mining includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site as part of a mining activity.

Minor automobile repair and maintenance shop: See Automobile repair, minor.

Minor modification to zoning conditions: See article 7
Minor thoroughfare: A street, road or highway shown as a minor thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Mixed-use building or development: A development which incorporates a variety (two (2) or more) of land uses, buildings or structures, that can include both primary residential uses and primary nonresidential uses which are part of the same development. Such uses may include, but not be limited to, residential, office, commercial, institutional, recreational or public open space, in a compact urban setting that encourages pedestrian oriented development that can result in measurable reductions in traffic impacts. Such a development would have interconnecting pedestrian and vehicular access and circulation.

Mixed-use zoning districts: Any of the following zoning districts: MU-1, MU-2, MU-3, MU-4, and MU-5.

Mobile home : A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976.

Mobile home lot: A parcel of land, approved pursuant to the subdivision requirements of chapter 14 of the Code, in a mobile home park which is intended and used for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile home park: A parcel of land which has been planned and improved pursuant to the requirement of this chapter and chapter 14 of the Code for the placement of mobile homes for non-transient use.

1319 *Mobile home sales:* Exhibition and sale of mobile homes.

1320 *Mobile home stand:* That part of a mobile home lot which has been reserved for the
1321 placement of a mobile home for non-transient use.

1322 *Modular home:* A factory-manufactured single family dwelling which is constructed in one
1323 (1) or more sections and complies with the definition of "industrialized building."

1324 *Monastery:* A building or buildings used as both a place of worship and as a residence,
1325 operated as a single housekeeping unit, solely by and for a group of men who have professed
1326 vows in a religious order and who live together as a community under the direction of a local
1327 supervisor designated by the order.

1328 *Monopole:* See section 4.2.57.B.

1329 *Mortuary:* An establishment in which the deceased are prepared for burial or cremation. The
1330 facility may include a crematory, a chapel for the conduct of funeral services and spaces for
1331 funeral services and informal gatherings or display of funeral equipment.

1332 *Mosque:* See Place of worship.

1333 *Motel:* See Hotel.

1334 *Muffler:* A sound-dissipative device or system for lessening the sound of the exhaust of an
1335 internal combustion machine where such a device is part of the normal configuration of the
1336 equipment.

1337 *Multi-family dwelling:* See Dwelling unit, multi-family.

1338 *Multi-family dwelling, supportive living:* Four (4) or more dwelling units in a single building
1339 or group of buildings which are designed for independent living for persons with disabilities of
1340 any kind and in which are provided supportive services to the residents of the complex but which
1341 supportive services do not constitute continuous twenty-four-hour watchful oversight, and which
1342 does not require licensure as a personal care home by the Office of Regulatory Services of the
1343 State of Georgia Department of Human Resources.

1344 *Multi-use property:* Any distinct parcel of land that is being used for more than one (1) land
1345 use purpose.

1346 *Museum:* A building or structure that is primarily used as a repository for a collection of art
1347 or natural, scientific, or literary objects, and is intended and designed so that members of the
1348 public may view the collection, with or without an admission charge, and which may include as
1349 an accessory use the sale of goods to the public or educational activities.

1350 *Natural state:* That condition that arises from or is found in nature and not modified by
1351 human intervention; not to include artificial or manufactured conditions.

1352 *Nature preserve:* An area or a site with environmental resources intended to be preserved
1353 and remain in a predominately natural or undeveloped state to provide resource protection and
1354 possible opportunities for passive recreation and environmental education for present and future
1355 generations in their natural state.

1356 *Neighborhood:* An area of the city within which residents share a commonality of interests
1357 including distinct physical design and street layout patterns, a shared developmental history,

distinct housing types, or boundaries defined by physical barriers such as major roads and railroads or natural features such as creeks or rivers.

Neighborhood residual sound level: That measured value that represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. Neighborhood residual sound level is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are not of a relatively short duration, although they are not necessarily continuous.

New construction on an infill lot: The replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

News dealer: A person who sells newspapers and magazines as a retailer.

News stand: A temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed, where music may be live, disc-jockey, karaoke, and/or non-acoustic.

Node: A concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

Noise control officer: A city employee or agent who has received noise enforcement training and is currently certified in noise enforcement.

Noise sensitive facility: Any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include but are not limited to schools, hospitals, and places of worship.

Nonconforming characteristic(s) of building or structure: A building or structure, legally existing on the effective date of this chapter, but which fails to comply with one (1) or more of the district or general non-use development regulations adopted under the terms of this chapter which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height limitations, off-street parking or loading, buffers, landscaping or any other applicable development regulation.

Nonconforming use of land: A use of land, legally existing on the effective date of this chapter, but which is not an authorized use under the terms of this chapter in the district in which such land is located.

Nonconforming use of land and building(s), or nonconforming use of land and structure(s): A use of land and building(s) or land and structure(s), in combination, legally existing on the effective date of this chapter, but which is not an authorized use of land and building(s) or land and structure(s), in combination, under the terms of this chapter in the district in which such use is located.

Nonconforming use requiring special exception or special land use permit: A use of land, or land and building(s) or structure(s) in combination, legally existing on the effective date of this

Official zoning map or maps: The zoning map(s) of the City of Stonecrest which are adopted with and incorporated by reference as a part of this chapter and amendments to the official zoning map are synonymous with and commonly referred to as rezonings..

One-part commercial block style: A single-story building that has a flat roof, a façade that is rectangular in shape, and in which the fenestration in the façade is equal to seventy-five (75) percent of the width of the front façade of the building.

Open space: A portion of a development project or lot that is intended to be free of buildings or parking lots. Open space may be in its natural state or improved with recreation amenities.

Open space, clubhouse or pool amenity area: An open space that can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include swimming pools, group activity rooms, outdoor eating areas, and/or exercise stations, and must meet all applicable building and health codes.

Open space, enhanced: A planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership, provided that all residents of the development in which the open space is located shall have a right to enter and use the open space. Such enhanced open spaces may include walkways, patios, recreational amenities, picnic pavilions, gazebos and water features. See article 5 for types of open space functions considered "enhanced."

Open space, green: An informal area for passive use bound by streets or front facing lots, typically between five hundred (500) square feet and one (1) acre, which is small, civic, surrounded by buildings, natural in its details, and may be used to protect specimen trees and provide for conservation functions.

Open space, greenway: An open space that typically follows natural or constructed features such as streams or roads and is designed to incorporate natural settings such as creeks and significant stands of trees, and is used for transportation, recreation, and environmental protection. Greenways are natural (i.e., informally planted) in their details except along rights-of-way, and may contain irregular topography.

Open space, neighborhood park: An open space designed for active or passive recreation use.

Open space, playground or tot lot: An open space that provides play areas for toddlers and children as well as open shelter and benches, which is located in a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.

Open space, plaza: An open space paved in brick or another type of impervious surface that provides passive recreation use adjacent to a civic or commercial building.

Open space, pocket park: An open space that provides active recreational facilities, most often in an urban area that is surrounded by commercial buildings or houses on small lots, and is typically less than one-quarter ($\frac{1}{4}$) of an acre.

Open space, square: An open space used to emphasize important places, intersections, or centers, bounded by streets or front-facing lots, typically between five hundred (500) square feet and one (1) acre.

1515 *Parking aisle:* An area within a parking facility intended to provide ingress and egress to
1516 parking spaces.

1517 *Parking bay:* The clear space containing one (1) or two (2) rows of parking stalls and a
1518 parking aisle.

1519 *Parking garage:* A covered or sheltered structure designed, constructed and used for the
1520 parking of motor vehicles.

1521 *Parking lot:* Any area designed for temporary storage of motor vehicles by the motoring
1522 public in normal operating condition, whether for a fee or as a free service.

1523 *Parking space:* A paved area of not less than one hundred twenty (120) square feet (small
1524 car space) or not less than one hundred fifty-three (153) square feet (large car space) space with
1525 dimensions of not less than eight (8) feet wide by fifteen (15) feet deep (small cars) or eight (8)
1526 feet six (6) inches wide by eighteen (18) feet deep (large cars), the exclusive purpose of which is
1527 for the parking of a vehicle.

1528 *Parking structure:* A structure or portion thereof composed of one (1) or more levels or
1529 floors used exclusively for the parking or storage of motor vehicles. A parking structure may be
1530 totally below grade (as in an underground parking garage) or either partially or totally above
1531 grade with those levels being either open or enclosed.

1532 *Pasture land:* See Grazing land.

1533 *Path:* A paved or structurally improved walkway that provides access to areas within a
1534 development.

1535 *Paved:* A structurally improved surface supporting the intended or allowed uses of traffic.
1536 An area may be covered by asphalt, concrete, permeable pavement or permeable pavement
1537 system that is acceptable to the director of planning. For the purposes of a driveway for the
1538 parking of automobile(s), two (2) paved tire tracks with an unpaved area between them shall be
1539 considered paved.

1540 *Pavement, permeable:* Pavement materials including pervious asphalt and concrete,
1541 interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the
1542 infiltration of water below the pavement surface. Pavement must support the expected loading
1543 and traffic.

1544 *Pawn shop:* Any entity engaged in whole or in part in the business of lending money on the
1545 security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business
1546 of purchasing tangible personal property on a condition that it may be redeemed or repurchased
1547 by the seller for a fixed price within a fixed period of time, or in the business of purchasing
1548 tangible personal property from persons or sources other than manufacturers or licensed dealers
1549 as part of or in conjunction with the business activities described in this paragraph. Includes title
1550 pawn.

1551 *Pedestrian oriented:* A density, layout and infrastructure that encourages walking and biking
1552 within a subdivision or development, including short setbacks, front porches, sidewalks, and bike
1553 paths.

Permitted use: Any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

Personal assistance services: Assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

Personal care facilityhome: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to **seven (7) or more persons** for adults are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care ~~facility~~home" shall not include a "child care ~~facility~~institution," "child care home," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care ~~facility~~home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

~~*Personal care home, community:* A personal care home that offers care to seven (7) or more persons.~~

~~*Personal care home, group:* A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to up to six (6) persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home, group" shall not include a "child care facility," "child care home," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases. A personal care home that offers care to between four (4) and six (6) persons.~~

Personal services establishment: An establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

Pervious area: An area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Pervious pavers: A range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

Pet: See Household pet.

Pet cemetery: Property used for the interring of dead domestic animals.

Pet shop: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Pharmacy (retail): A place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

Phased development: A development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

Physical therapy facility: A facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

Pitch of roof lines: The ratio of the rise to the run of a roof.

Place of worship: A lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term shall also include any of the following accessory uses and buildings: schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child day care center, kindergarten, parsonage, rectory or convent and columbarium.

Plainly audible: Any sound that can be detected by a person using his or her unaided hearing faculties.

Planned industrial center: An industrial development planned with multiple buildings for industrial users.

Planning director: See director of planning.

Plant material: Material derived from plants.

Planting strip: A strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

Plat:

1. A map representing a tract of land, showing the boundaries and location of individual properties and streets;
2. A map of a subdivision or a site plan.

Pervious surface: An area that allows water to enter the soil mantle at a natural rate of flow. Compare with Impervious surface.

Porch, enclosed: A porch attached to the main building, which is covered by a roof.

Porch, open: A porch that is not covered by a roof.

Portable storage container: Any non-motorized vehicle, trailer or fully enclosed container intended for the temporary storage of items until relocated to another location or a long-term storage facility. Storage containers include but are not limited to PODS, Pack-Rats and similar containers.

Porte-cochere: A porch or a structure attached to a residence and erected over a driveway, not exceeding one (1) story in height and open on two (2) or more sides.

Post office: A public facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Poultry: Domestic fowl including chickens, duck, turkeys and geese raised for food (either meat or eggs) or profit.

Primary building: See Building, primary or principal. Compare with Accessory structure.

Primary conservation area: That portion of a site in the R-NC (Neighborhood Conservation) District for which application is made for cluster housing development which consists of areas that are unbuildable due to the presence of wetlands, floodplains, steep slopes, or other similar environmental conditions.

Primary material: The building material comprising the acceptable, dominant portion of a building exterior façade, as defined by standards within this ordinance. Compare with Secondary material.

Primary street: A street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials.

Principal structure: The building in which the principal use of the lot is located.

Principal use: The primary or predominant use of any lot.

Printing and publishing establishments: An establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

Printing and publishing establishments (limited): A printing establishment providing convenience mailing, photocopying and accessory retail-oriented services, not exceeding five thousand (5,000) square feet of floor area.

Private ambulance service: A privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles; transportation via ambulance; the provision of out-of-hospital emergency medical care to a patient from or in an ambulance; the trip to the site of a patient for the purpose of providing transport or out-of-hospital emergency medical care; the trip to or from any point in response to a medical emergency dispatch from the 9-1-1 Center.

Private club: See Club, private.

Private drive: A drive or road on privately owned property, by an individual or a group of owners who share the use and maintain the road without assistance from a government agency. A private drive has not been transferred to a governing entity. An easement of use on the private drive or road shall permit use by the public. A private drive is allowed to be exempt from the public street regulations of chapter 14 of the Code, but shall meet dimensional requirements established in article 5.

Private educational use: The instruction, teaching or tutoring of students by an occupant of a residential dwelling as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes. No articles or products shall be sold on the premises other than by telephone. Such instruction, teaching or tutoring shall be limited to a maximum of three (3) students at a time, excluding children residing in the dwelling, and shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Such private educational use shall be allowed as a permitted use in all districts where home occupations are allowed but private educational uses shall be subject to the supplemental regulations in article 4.

Private industry solid waste disposal facility: A disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

Private restrictive covenants: Private restrictions on the use of land or structures imposed by private contract, such as subdivision covenants.

Private right-of-way: Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is not owned, leased, or controlled by a governmental entity.

Private road: See Private drive.

Private street: An access way similar to and having the same function as a public street, providing access to more than one (1) property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in the Code.

Produce: Products from farms and gardens such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Production, field crops: Establishment for commercial agricultural field and orchard uses including production of field crops; may also include associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

Production, fruits, tree nuts, and vegetables: Establishment for commercial agricultural field and orchard uses including production of fruits, tree nuts and vegetables.

Prohibited uses: Anything not expressly permitted within this zoning ordinance or by resolution. Examples may include structures, land uses, materials, or development control parameters.

Public art: See Art, public.

Public right-of-way: Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

Public space in the I-20 Corridor Overlay District: Space located on the exterior of buildings in the I-20 Corridor Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, green space, open space, riparian zones, lakes and pools, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may not occupy such public space above a height of one (1) story. Exterior public spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

Public space in the Stonecrest Area Overlay District: Space located on the exterior of buildings in the Stonecrest Area Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, greenspace,

open space, riparian zones, lakes and ponds, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may occupy such space above a height of one (1) story. Exterior spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

Public uses: Land or structures owned by a federal, state or local government, including but not limited to a board of education, and used by said government for a necessary governmental function.

Quarry: A mine where rock, ore, stone, or similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

Quick copy and printing store: A facility established for the reproduction and printing of written or graphic materials on a custom order basis for individuals or businesses.

Rainwater harvesting: Gathering, or accumulating and storing, of rainwater from roof, ground or other catchments in order to reduce or avoid use of water from mains or from water sources like lakes and rivers.

Recovered materials: Those materials which have a known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered materials center: A facility in which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recovered materials processing: Activity of preparing source-separated recoverable materials, such as newspapers, glassware, and metal cans, including collecting, storing, flattening, crushing, or bundling prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market. "Processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

Recreation: The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

Recreation, active: See Active recreation.

Recreation, indoor: A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

1750 *Recreation, outdoor:* A recreational land use conducted outside of a building, including
1751 athletic fields; miniature golf, skateboard park; swimming, bathing, wading and other therapeutic
1752 facilities; tennis, handball, basketball courts, batting cages, trampoline facilities.

1753 *Recreation, passive:* Recreation that involves existing natural resources and has a minimal
1754 impact on the existing condition of the resources.

1755 *Recreation club:* A not-for-profit association of people organized for the purpose of
1756 providing recreation facilities and programs and characterized by certain membership
1757 qualifications, payment of fees and dues, and a charter or bylaws. Recreation club shall also
1758 mean, where the context requires, the premises and structures owned or occupied by members of
1759 such association within which the activities of the recreation club are conducted.

1760 *Recreational vehicle:* Any vehicle, whether or not motorized, that is intended for personal
1761 recreational use and not intended for daily transportation. Such vehicles may include, but are not
1762 limited to Class A and C motor homes, campervans, bus conversions, boats, military surplus
1763 vehicle, all-terrain vehicles (ATVs), and similar vehicles intended for recreational purposes.
1764 Pick-up trucks with a fully enclosed bed that are used for daily transportation do not qualify as
1765 recreational vehicles.

1766 *Recreational vehicle park:* A commercial use providing space and facilities for motor homes
1767 or other recreational vehicles for recreational use or transient lodging. Uses where unoccupied
1768 recreational vehicles are offered for sale or lease, or are stored, are not included.

1769 *Recreational vehicle/boat sales and service:* A facility established for the exhibition, sale,
1770 and repair of recreational vehicles/boats.

1771 *Recycling collection point:* A neighborhood drop-off point for the temporary storage of
1772 recyclables.

1773 *Recycling plant:* See Recovered material center or processing.

1774 *Rehabilitation housing facility:* An establishment primarily engaged in inpatient care of a
1775 specialized nature with staff to provide diagnosis and/or treatment.

1776 *Repair, small household appliance:* A business established to provide a service of repairing
1777 small household appliances like microwaves, etc.

1778 *Replacement:* See section 4.2.57.B.

1779 *Research and training facilities:* Any facility owned by a private party, institution or
1780 government where research and training activities related to various fields like science, arts, etc.
1781 are conducted.

1782 *Residence hall:* See Dormitory.

1783 *Residential component:* The primarily residential portion of a development that may contain
1784 a mix of single family detached, single family attached and multi-family dwelling units and may
1785 include small scale, non-residential uses.

1786 *Residential zoning district:* Any of the following zoning districts: RE, R-LG, R-100, R-85,
1787 R-75, R-60, MHP, R-NC, R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4,
1788 and MU-5.

- 1789 *Residential use:* The occupation of a building and land for human habitation.
- 1790 *Restaurant:* An establishment where food and drink are prepared, served, and consumed
1791 primarily within the principal building.
- 1792 *Restaurant, drive-through:* An establishment where food and drink are prepared which may
1793 be consumed within the principal building or which may be ordered and picked up from a service
1794 window for off-site consumption.
- 1795 *Retail:* The sale of goods, wares or merchandises directly to the end-consumer.
- 1796 *Retail warehouse/wholesale:* An establishment exceeding seventy thousand (70,000) square
1797 feet of gross floor area and offering a full range of general merchandise to the public, and may
1798 include gasoline.
- 1799 *Retaining wall:* A structure constructed and erected between lands of different elevations to
1800 protect structures and/or to prevent erosion.
- 1801 *Riding stable:* A building where horses and ponies are sheltered, fed, or kept.
- 1802 *Right-of-way line:* The limit of publicly owned land or easement encompassing a street or
1803 alley.
- 1804 *Rooming house:* See Boarding house.
- 1805 *Salvage yard:* Land and/or buildings used for the dismantling, cutting up, compressing or
1806 other processing of waste items or materials, such as scrap, paper, metal, tires, large household
1807 appliances, such as washing machines or refrigerators, automobiles or other vehicles, or
1808 inoperable machinery. Salvaged materials may be stored outdoors or in a building and may be
1809 sold wholesale or retail. Typical uses include paper and metal salvage yards, used tire storage
1810 yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes
1811 junk yards.
- 1812 *Sand pit:* A surface mine or excavation used for the removal of sand, gravel, or fill dirt for
1813 sale or for use off-site.
- 1814 *Satellite television antenna:* An apparatus capable of receiving but not transmitting
1815 television, radio, or cable communications from a central device transmitting said
1816 communications.
- 1817 *Sawmill:* A facility where logs or cants are sawn, split, shaved, stripped, chipped, or
1818 otherwise processed to produce wood products, not including the processing of timber for use on
1819 the same lot by the owner or resident of that lot.
- 1820 *Sawmill, temporary or portable:* A facility where sawing related machines are installed on
1821 the site temporarily to run as sawmill, but which can be moved by removing and reinstalling the
1822 machines to some other site.
- 1823 *School, elementary:* Public, private or parochial school offering education for first through
1824 fifth grade.
- 1825 *School, high:* Public, private or parochial school for the ninth through twelfth grades.

1826 *School, middle:* Public, private or parochial school offering education for sixth through
1827 eighth grade.

1828 *School, parochial:* School run by a church or parish and engages in religious education in
1829 addition to the conventional education.

1830 *School, private:* Any building or group of buildings, the use of which meets state
1831 requirements for elementary, middle, or high school education and which use does not secure the
1832 major part of its funding from any governmental agency.

1833 *School, public:* A building or group of buildings used for educational purposes, which meets
1834 state requirements for elementary, middle, or high school education, and that is funded by a
1835 government agency.

1836 *School, specialty:* A school specializing in teaching martial arts, dance, music, visual arts
1837 and similar fields.

1838 *School, vocational:* A specialized instructional establishment that provides on-site training
1839 of business, commercial, and/or trade skills or specialized curriculum for special needs
1840 individuals or the arts. This classification excludes establishments providing training in an
1841 activity that is not otherwise permitted in the zone.

1842 *Screening fence:* An opaque structure designed to provide a visual barrier constructed of
1843 materials including wood, chain link with wood or plastic inserts, metal, vinyl, plastic and other
1844 such materials as may be approved by the director of planning.

1845 *Secondary conservation area:* That portion of a site for which application is made for cluster
1846 housing development which consists of those areas of land which are outside the primary
1847 conservation area but which are environmentally sensitive, historically or culturally significant,
1848 scenic, or which possess other unusual attributes that merit conservation.

1849 *Secondary material:* Complimentary building material allowed by zoning standards.
1850 Compare with Primary material.

1851 *Secondhand store:* A facility for retail or consignment sales of previously used merchandise,
1852 such as clothing, household furnishings or appliances, sports/recreational equipment. This
1853 classification does not include secondhand motor vehicles, parts, or accessories.

1854 *Self-service car wash:* See Car wash, self-service.

1855 *Semi-nude:* The exposure of one (1) or more, but not all, of the following: human genitals or
1856 pubic region, buttocks, or female breasts below a point immediately above the top of the areola.

1857 *Senior housing:* A multiple-family building or detached dwelling unit, or a combination of
1858 both housing types, which is occupied by at least one (1) person who is fifty-five (55) years of
1859 age or older per dwelling unit. Also called Senior Living.

1860 *Senior living:* See Senior housing.

1861 *Service area:* An outdoor work area associated with a commercial use, including work areas
1862 where goods and products are assembled, constructed, or repaired but not permanently stored.

1863 *Service organization:* A voluntary non-profit service club or organization where members
1864 meet regularly to perform charitable works or raise money for charitable works.

Setback: The minimum horizontal distance required between the property line and the principal building or structure on a lot or any projection thereof except the projections allowed pursuant to article 5.

Sexually-oriented business: means and “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theatre,” a “semi-nude model studio,” or a “sexual device shop” as those terms are defined in Chapter 15, Article XII, Section 15.12.2..

Shared parking: Parking shared by two (2) or more lots or uses for which the peak parking demands are not at the same time, and parking that can reasonably be shared by such lots or uses. The number of parking spaces in a shared parking facility is less than the combined total of the required minimum number of spaces for each individual use.

Shelter for homeless persons: A building or buildings in which is provided overnight housing and sleeping accommodations for one (1) or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services. Compare with Transitional housing facility.

Shoe repair: An establishment where shoes and boots are repaired remodeled or rebuilt by skilled shoe repairers. The establishment may also mend items like handbags and luggage.

Shopping center: A group of at least two (2) commercial establishments typically planned, constructed, and managed as a single entity, with on-site parking for customers and employees, and with delivery of goods separate from customer access.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

Sidewalk: A hard surface, ADA compliant, clear pathway that does not include any street furniture.

Sight triangle: A triangular area of visibility required on a corner of a roadway intersection to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

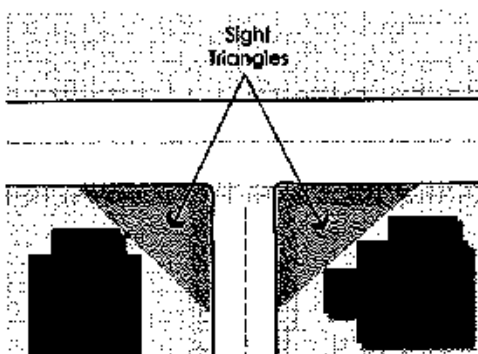


Figure 9.10 Sight Triangles

Single-family attached: See Dwelling unit, single-family attached.

1894 *Single-family zoning district:* Any of the following zoning districts: RE, R-LG, R-100, R-85,
1895 R-75, R-60, MHP, and R-N(c)

1896 *Site:* The lot, area of a lot, or assemblage of lots subject to development.

1897 *Site plan:* That plan required to acquire a development, construction or building permit
1898 which shows the means by which the developer will conform to applicable provisions of this
1899 chapter and other applicable ordinances.

1900 *Soldier course:* A course of upright bricks with their narrow faces showing on the wall
1901 surface.

1902 *Solid waste:* Any garbage or refuse; sludge from a wastewater treatment plant, water supply
1903 treatment plant, or air pollution control facility; and other discarded material including solid,
1904 semisolid, or contained gaseous material resulting from industrial, commercial, mining, and
1905 agricultural operations and community activities, but does not include recovered materials; solid
1906 or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows
1907 or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or
1908 source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of
1909 1954, as amended (68 State. 923).

1910 *Solid waste handling:* The storage, collection, transportation, treatment, utilization,
1911 processing, or disposal of solid waste or any combination of such activities.

1912 *Solid waste handling facility:* A facility primarily used for the storage, collection,
1913 transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid
1914 waste.

1915 *Solid waste thermal treatment technology facility:* Any solid waste handling facility, the
1916 purpose of which is to reduce the amount of solid waste to be disposed of through a process of
1917 combustion, with or without the process of waste to energy.

1918 *Solid waste transfer facility:* A facility or site at which temporary storage and transfer of
1919 solid waste from one (1) vehicle or container to another, generally of larger capacity, occurs
1920 prior to transportation to a point of processing or disposal. A solid waste transfer facility is an
1921 intermediary point between the location(s) of waste generation (e.g., households, businesses,
1922 industries) and the site(s) of ultimate processing or disposal.

1923 *Sorority house:* A building containing sleeping rooms, bathrooms, common rooms, and a
1924 central kitchen and dining room maintained exclusively for sorority members and their guests or
1925 visitors and affiliated with an institution of higher learning.

1926 *Sound level meter:* An instrument that conforms to ANSI S1.4-1983 or its successors.

1927 *Special administrative permit:* A written authorization granted by the director of planning
1928 for a use of land pursuant to an application which that official is authorized to decide, in cases
1929 where a permit is required, pursuant to the procedures and criteria contained in article 7.

1930 *Special events facility:* A building and/or premises used as a customary meeting or gathering
1931 place for personal social engagements or activities, where people assemble for parties, weddings,
1932 wedding receptions, reunions, birthday celebrations, other business purposes, or similar such

1933 uses for profit, in which food and beverages may be served to guests. This definition shall not
1934 include places of worship.

1935 *Special exception:* The approval by the zoning board of appeals of an application which that
1936 board is authorized to decide as specified within a zoning district pursuant to the procedures and
1937 criteria contained in article 7 of this chapter.

1938 *Special land use permit:* The approval of a use of land that the city council is authorized to
1939 decide as specified within a zoning district pursuant to the procedures and criteria contained in
1940 article 7 of this chapter.

1941 *Special permit:* A special administrative permit, special exception, or special land use
1942 permit.

1943 *Specialty store:* A store, usually retail, that exhibits and sells specific or specialized types of
1944 items or brand. For example, a specialty store may sell cellular phones or organic food, or video
1945 games exclusively.

1946 *Sporting goods store:* A store that exclusively exhibits and sells items related to sports
1947 including, but not limited to, instruments, gears, shoes, and clothes.

1948 *Stadium:* A structure with tiers of seats rising around a field or court, intended to be used
1949 primarily for the viewing of athletic events. The structure may also be used for entertainment and
1950 other public gathering purposes, such as conventions, circuses, or concerts.

1951 *State:* The State of Georgia.

1952 *Steady tonal quality:* Sound emissions comprised of a single frequency or a narrow cluster
1953 of frequencies, which may be referred to as a whine, hum or buzz, with measured sound levels
1954 not fluctuating by more than plus or minus three (3) dBA.

1955 *Stealth telecommunications facility:* See section 4.2.57.B.

1956 *Stepback:* A step-like recession in the profile of a building, whereby the exterior wall
1957 surface of each successive story is located farther towards the interior of the building than the
1958 exterior wall of the story below it. Stepbacks may result from the transitional height plane
1959 requirement. See Transitional height plane.

1960 *Stoop:* A small porch, platform, or staircase leading to the entrance of a house or building.

1961 *Storage building:* Any structure that is used for storage and does not have a door or other
1962 entranceway into a dwelling unit and that does not have water fixtures within its confines, the
1963 use of which is limited solely to storage of inanimate objects.

1964 *Stormwater management facility:* Those structures and facilities that are designed for the
1965 collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the
1966 drainage system.

1967 *Story:* That portion of a building, other than a basement, included between the surface of any
1968 floor and the surface of the floor next above or, if there is no floor above, the space between the
1969 floor and the ceiling next above. Each floor or level in a multistory building used for parking,
1970 excluding a basement, shall be classified as a story.

1971 *Street, public:* Any right-of-way set aside for public travel deeded to the county or city and
1972 any right-of-way which has been accepted for maintenance as a street by the county or city.

1973 *Street right-of-way line:* The dividing line between a lot, tract or parcel of land and a street
1974 right-of-way.

1975 *Structure:* Anything constructed or erected with a fixed location on the ground, or attached
1976 to something having a fixed location on or in the ground. This does not include telephone poles
1977 and utility boxes.

1978 *Structure, accessory.* See Accessory structure.

1979 *Subdivision:* As defined in chapter 14 of the Code.

1980 *Subdivision, major:* All subdivisions not classified as minor subdivisions, including, but not
1981 limited to, subdivisions of five (5) or more lots, or any size subdivision requiring any new street,
1982 public or private.

1983 *Subdivision, minor:* A division of land into not more than four (4) lots, provided:

1984 1. A minor subdivision does not require the construction of any public improvements
1985 including street, sidewalks, sewer or water lines and street trees.

1986 2. All lots and any remaining tract shall be consistent with all applicable requirements of
1987 this zoning ordinance, including lot size, setbacks, frontage on a public road, width to
1988 depth ratio, and lot width.

1989 3. At the time of filing of a subdivision plat, the property owner shall be required to show
1990 all possible lots which are permitted to be created through minor subdivision provisions
1991 of this zoning ordinance.

1992

1993 *Supplemental zone:* The additional sidewalk area other than the required sidewalk used to
1994 support outdoor dining or other amenities.

1995 *Support structure(s):* See section 4.2.57.B.

1996 *Supportive living:* A non-institutional, independent group living environment that integrates
1997 shelter and service needs of functionally impaired and/or socially isolated elders who do not need
1998 institutional supervision and/or intensive health care.

1999 *Sustainable development:* A development that maintains or enhances economic opportunity
2000 and community well-being while protecting and restoring the natural environment upon which
2001 people and economies depend. Sustainable development meets the needs of the present without
2002 compromising the ability of future generations to meet their own needs.

2003 *Synagogue:* See Place of worship.

2004 *Tandem parking:* A parking space within a group of two (2) or more parking spaces
2005 arranged one (1) behind the other such that the space nearest the street serves as the only means
2006 of access to the other space(s).

2007 *Tattoo parlors and piercing studios:* An establishment whose principal business activity, is
2008 the practice of one (1) or more of the following: (1) placing of designs, letters, figures, symbols,

2009 or other marks upon or under the skin of any person, using ink or other substances that result in
2010 the permanent coloration of the skin by means of the use of needles or other instruments
2011 designed to contact or puncture the skin; (2) creation of an opening in the body of a person for
2012 the purpose of inserting jewelry or other decoration.

2013 *Taxi stand:* A reserved area where taxis or cabs are parked.

2014 *Telecommunications antenna:* See section 4.2.57.B.

2015 *Telecommunications facility/tower:* See section 4.2.57.B.

2016 *Telecommunications tower:* See section 4.2.57.B.

2017 *Telecommunications tower or antenna height:* See section 4.2.57.B.

2018 *Telephone exchange building:* A building used exclusively for the transmission and
2019 exchange of telephone messages. The term shall not include wireless telecommunication towers
2020 or antennas.

2021 *Temple:* See Place of worship.

2022 *Temporary outdoor sales or event, seasonal:* Outdoor sales of products associated with
2023 seasons, holidays and agricultural seasons.

2024 *Temporary produce stand:* A temporary vending structure used for the sale and/or display of
2025 seasonal produce.

2026 *Tennis courts, play and recreation areas, community:* A public or private facility for the
2027 playing of tennis, swimming, or other type of outdoor recreation, including related retail sales
2028 and an accessory restaurant. This term does not include amenities for a subdivision or other form
2029 of housing.

2030 *Theater:* A structure used for dramatic, operatic, dance, or music performances, or the
2031 rehearsal and presentation of other similar performing arts events, or for motion pictures, for
2032 which an admission fee is charged. Such establishments may include related services such as
2033 food and beverage sales and other concessions.

2034 *Threshold:* The top of the subfloor in the opening that is designated as the front door of a
2035 dwelling.

2036 *Thrift store:* A for-profit or non-profit business or organization that engages or specializes in
2037 the sale or resale of previously owned or used goods. This term includes antique shops,
2038 consignment stores, and secondhand stores.

2039 *Tire retreading and recapping:* Businesses that primarily repair and retread automotive tires.

2040 *Total sound level:* That measured level which represents the summation of the sounds from
2041 the sound source under investigation and the neighborhood residual sounds which affect a given
2042 place at a given time, exclusive of extraneous sound sources.

2043 *Tow service:* Establishment that provides for the removal and temporary storage of vehicles,
2044 but does not include disposal, permanent disassembly, salvage, or accessory storage of
2045 inoperable vehicles. See also Automobile recovery and storage.

Townhouse: One (1) of a group of three (3) or more single-family dwelling units, attached side-by-side by a common wall. See Dwelling, single-family.

Townhouse, stacked: Multi-family building with the appearance of a townhouse (side-by-side attached), but which has multiple dwelling units whereby a unit is located above or below another.

Trailer: Any non-motorized vehicle or wheeled attachment designed to be towable, including, but not limited to landscape utility trailers, horse trailers, storage trailers, campers, recreational vehicle trailers designed for temporary living quarters while traveling or camping, fifth-wheel trailers, pop-up campers, transport trailers, and boat trailers.

Transit: The conveyance of persons or goods from one (1) place to another by means of a local, public transportation system.

Transit oriented development (TOD): Moderate and high-density mixed-use development which is located along transit routes and encourages pedestrian use of public transportation.

Transitional buffer zone: A natural or planted buffer area between two (2) different land uses which is intended to provide protection between said land uses and which meets the criteria for said buffer specified in article 5.

Transitional height plane: A geometric plane that establishes the maximum permitted height of a building in a district that allows a greater density than that of an adjoining lower-density residential district. The transitional height plane shall begin at a point thirty-five (35) feet above setback or transitional buffer line, whichever is furthest from the property line, then extend at an upward angle of forty-five (45) degrees over the lot of the building.

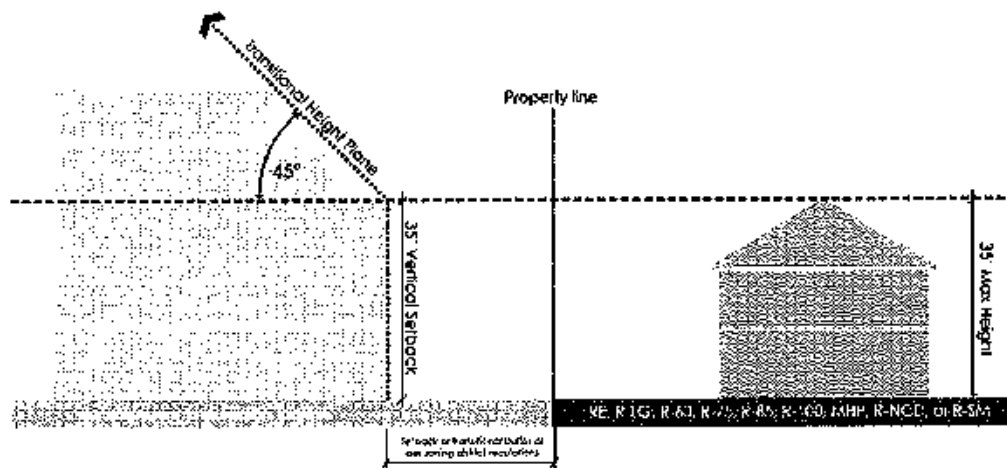


Figure 9.11 Transitional Height Plane

Transitional housing facility: A building or buildings in which is provided long-term but no permanent living accommodations for more than six (6) persons who have no permanent residence and are in need of long-term housing assistance. Compare with Homeless shelter.

Transparent material: Any material which allows light to be transmitted and objects to be seen clearly and with definition.

2073 *Transportation equipment and storage or maintenance (vehicle):* Any building, premises or
2074 land in which or upon which is the storage or maintenance of motor freight vehicles or
2075 equipment, without services provided, such as those provided by a truck stop. Compare with
2076 Truck terminal.

2077 *Tree:* Any living, self-supporting, woody perennial plant which has a trunk caliper of two
2078 (2) inches or more measured at a point six (6) inches above the ground and which normally
2079 attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and
2080 many branches.

2081 *Tree canopy:* The area directly beneath the crown and within the outermost edges of the
2082 branches and leaves of a tree.

2083 *Truck stop:* Any building, premises, or land in which or upon which a business, service, or
2084 industry involving the maintenance, servicing, storage, or repair of commercial vehicles is
2085 conducted or rendered, including the dispensing of motor fuel or other petroleum products
2086 directly into such commercial vehicles and the sale of accessories or equipment for trucks and
2087 similar commercial vehicles. A truck stop may also include overnight accommodations and
2088 restaurant facilities primarily for the use of truck crews.

2089 *Truck terminal:* An area and building where vehicles load and unload cargo and freight and
2090 where the cargo and freight may be broken down or aggregated into smaller or larger loads for
2091 transfer to other vehicles or modes of transportation.

2092 *Turnaround:* A space, as in a driveway, permitting the turning around of a vehicle.

2093 *Two-part commercial block style:* A building of two (2) stories or greater in height that has a
2094 flat roof and is characterized by a horizontal division of the building façade into two (2) distinct
2095 zones. These zones may be similar in design but shall be clearly separated from one another. The
2096 ground floor level of the building shall contain fenestration equal to seventy-five (75) percent of
2097 the width of the front façade of the building.

2098 *Universal barrier:* A type of root barrier for street trees.

2099 *Understory tree:* A deciduous or evergreen tree which attains a mature height of no greater
2100 than thirty (30) feet.

2101 *University:* See College.

2102 *Urban garden:* A lot, or any portion thereof, managed and maintained by a person or group
2103 of persons, for growing and harvesting, farming, community gardening, community-supported
2104 agriculture, or any other use, which contributes to the production of agricultural, floricultural, or
2105 horticultural products for beautification, education, recreation, community or personal use,
2106 consumption, sale, or donation. An urban garden may be a principal or accessory use on lots
2107 including, but not limited to, those owned by individuals, non-profit organizations, and public or
2108 private institutions like universities, colleges, school districts, hospitals, and faith communities.
2109 This definition excludes gardens accessory to an individual's residence.

2110 *Usable satellite signals:* Satellite signals from all major communications satellites that,
2111 when viewed on a conventional television set, are at least equal in picture quality to those
2112 received from local commercial television stations by way of cable television.

2113 *Usable open space:* See Open space, usable.

2114 *Use:* The purpose or activity for which land or buildings are designed, arranged, or intended
2115 or for which land or buildings are occupied or maintained.

2116 *Utility:* Any public or private agency that provides for the generation, transmission or
2117 distribution of electricity, gas, water, stormwater, wastewater, communication, transportation, or
2118 other similar service, excluding those utilities that are public uses.

2119 *Valet:* See Parking, valet.

2120 *Value added products:* Prepared farm products such as baked goods, jams and jellies,
2121 canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned
2122 meats or fish, sausages, or other prepared foods.

2123 *Van service:* A commercial or not-for-profit service in which the provider offers
2124 transportation service to clients from their home to another destination, such as a medical service
2125 facility or other destination.

2126 *Variance:* Permission to depart from the requirements of this chapter pursuant to the
2127 requirements of article 7.

2128 *Vehicle storage yard:* A building or land that is used principally for long-term parking of
2129 any class of passenger or non-passenger vehicles, including but not limited to automobile fleets
2130 associated with commercial business, delivery trucks or other commercial vehicles, or associated
2131 with government operations such as school buses, postal delivery trucks, or sanitation trucks.
2132 The term "vehicle storage yard" includes off-site parking of commercial vehicles such as those
2133 used in light or heavy landscaping or construction, but does not include transportation vehicle
2134 such as semi-tractor trailers. A vehicle storage yard may include minor repair of the vehicles as
2135 an accessory use. Compare with Auto recovery and storage.

2136 *Vehicle trip:* A vehicular movement either to or from the subject property by any vehicle
2137 used in a home occupation, any vehicle associated with a home occupation, or any customer or
2138 client vehicle.

2139 *Vehicular use area:* Any portion of a site or a property, paved or unpaved, designed to
2140 receive or accommodate vehicular traffic, including the driving, parking, temporary storage,
2141 loading, or unloading of any vehicle.

2142 *Veterinary clinic:* See Animal hospital.

2143 *Videotape sales and rental store:* An establishment primarily engaged in the retail rental or
2144 lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other
2145 electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise
2146 associated with VCRs, video cameras and electronic games are permitted accessory uses.

2147 *Viewshed:* The total visible area from an identified observation position or positions.

2148 *Village center:* The central shopping or gathering place within a traditional neighborhood
2149 which contains commercial uses and open space and which may contain public space.

Wall: A structure used as a solid retaining, screening, or security barrier constructed of materials including brick, stone, concrete, concrete block, ceramic tile or other aggregate materials and other such materials.

Wall plane: An area of a wall between a wall offset and another wall offset or a corner.

Waste to energy facility: A solid waste handling facility that provides for the extraction and utilization of energy from county or city solid waste through a process of combustion.

Weekday: The time period of the week that begins at 7:00 a.m. on each Monday and ends at 6:00 p.m. on each Friday.

Weekend: The time period of each week that begins at 6:00 p.m. on each Friday and ends at 7:00 a.m. on each Monday.

Wetlands: An area of land meeting the definition of "wetlands" set forth in 33 C.F.R. Part 328.3(b) of the Code of Federal Regulations, as amended, and that is subject to federal, state or local regulations governing land meeting that definition.

Wind turbine: A turbine, a rotating machine which mounted on a tower, is used to capture energy from the wind to produce electricity.

Workforce housing: For-sale housing that is affordable to those households earning eighty (80) percent of median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

Xeriscape: A landscape designed and maintained with the principles that promote good horticultural practices and efficient use of water and is characterized by the use of vegetation that is drought-tolerant or of low water use in character.

Yard: That area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard sale: The temporary residential sale of tangible personal property, such as but not limited to, household items, clothing, tools, toys, recreational equipment, or other used or secondhand items normally found in and about the home. This definition includes the terms estate sale, if held outside, garage sale, basement sale, carport sale, moving sale, or rummage sale. This temporary use may be conducted by an individual, multiple persons, churches, social civic or charitable organizations, a neighborhood group, church or civic association.

Yard, corner side: An open-space area of a corner lot between the exterior side lot line and the required exterior side building setback line, extending between the front building setback line and the rear building setback line.

Yard, front: An area extending across the total width of a lot between the front lot line and the building. With respect to limitations within the front yard, there can only be one (1) front yard.

Yard, interior side: A yard extending between the front and rear yards and being that area between the side lot line, where the side lot line is coincidental with the side or rear lot line of an adjacent lot, and that line or lines established by the side wall or walls of the principal structure.

Yard, rear: A yard extending across the total width of a lot between side lot lines and being that area between the rear lot line and that line or lines established by the rear wall or walls of the principal structure projected to intersect the side lot lines.

Yard, side: A yard extending between the front and rear yards and being that area between the side lot lines and the principal structure.

C

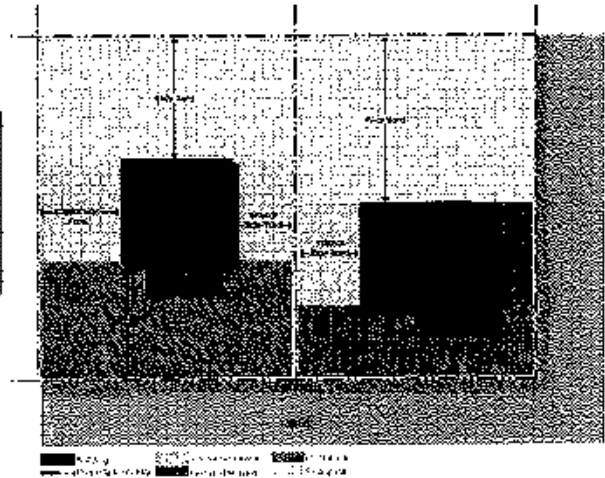
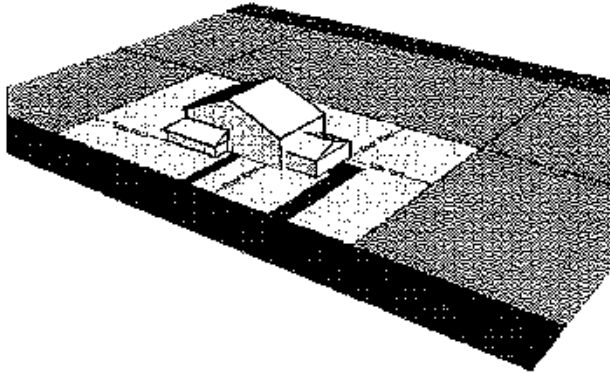


Figure 9.12 Illustration of Yard

Zero lot line: When location of a building in such manner that one (1) or more of building's exterior wall is allowed to rest directly on the lot line or property boundary.

Zoning decision: Final legislative action by a local government which results in:

1. The adoption of a zoning ordinance;
2. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
3. The adoption of any amendment to a zoning ordinance which rezones the property from one zoning classification to another;
4. The adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality;
5. The grant of a permit relating to a special use of property, as defined in O.C.G.A. § 36-66-3, and as may hereafter be amended by Georgia law; or
6. Denial of the aforementioned ordinances or permits.

Section 2: In order to require owners/operators to reside on premises for home occupations and to establish child care homes and personal care homes as types of home occupations, Article 4, Section 4.2.31 of The Code of the City of Stonecrest, Georgia, is amended to read as follows (any deletions are struck through and additions are bolded):

Sec. 4.2.31. - Home occupations and private educational uses.

The following provisions apply to home occupations:

A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning.

1. The owner/operator must reside on the premises.

2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.

1. Customer contact is allowed for Type II home occupations.

2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

C. All home occupations shall meet the following standards:

1. There shall be no exterior evidence of the home occupation.

2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.

3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.

4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.

5. No more than one (1) business vehicle per home occupation is allowed.

6. No home occupation shall be operated so as to create or cause a nuisance.

7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.

8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.

D. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

E. Child care homes and personal care homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

Section 3: In order to clarify and establish new regulations for child care homes, child care facilities, personal care homes, and personal care facilities, Article 4, Section 4.2.41 of The Code of the City of Stonecrest, Georgia, is amended to read as follows (any deletions are struck through and additions are bolded):

Sec. 4.2.41. – Personal care and child care uses ~~Personal care facilities homes and child-care facilities institutions.~~

A. Personal care homes and personal care facilities, general requirements.

1. Each personal care home **or facility** must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home **or facility** licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility. **In addition, all personal care facilities and homes must obtain a business license from the City of Stonecrest.**

2. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

3. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

B. Personal care home, ~~group, up to group (four (4) to six (6) persons).~~

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

3. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand (1,000) feet of any other group personal

2287 care home or child care home. The one-thousand-foot distance requirement is
2288 measured by a straight line which is the shortest distance (i.e., "as the crow flies")
2289 between the property lines of the two (2) tracts of land on which the group personal care
2290 homes or child caring homes are located.

2291 4. The home must be at least 1800 sq. ft in size.

2292 C. ~~Personal care home; facility. community (seven (7) or more persons).~~

2293 1. Two (2) copies of complete architectural plans for the subject community personal care
2294 facility~~home~~, signed or sealed by a registered architect, shall be submitted to the
2295 director of planning prior to issuance of a building permit or business license.

2296 2. Each community personal care facility~~home~~ must provide at least one-half (0.50)
2297 parking spaces for each employee and resident, and must comply with any applicable
2298 requirements in article 6.

2299 D. ~~Child care homes and child care facilities caring institutions, general requirements.~~

2300 1. Each child caring home and facility ~~institution~~ must obtain all license(s) and/or
2301 permit(s) required by the State of Georgia in order to operate. Each child caring home
2302 and facility~~institution~~ must display its state-issued license(s) and/or permit(s) in plain
2303 view, visible from the front doorway of the facility.

2304 2. Child care homes and child care facilities are not permitted in multi-family
2305 dwellings.

2306 3. No child caring institution may display any exterior signage that violates the sign
2307 ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for
2308 the underlying zoning district where the personal care home is located.

2309 4. Each child care home and child care facility serving 3 or more children over the
2310 age of three (3) and under the age of fifteen (15) must provide a fenced outdoor
2311 play area equivalent of 100 square feet per child in the rear of the property.
2312 Evidence of compliance must be shown upon application for or renewal of a
2313 business license.

2314 E. ~~Child caring care home. institution. group (four (4) to six (6) children).~~

2315 1. ~~Two (2) copies of complete architectural plans for the subject group child caring~~
2316 ~~institution, signed or sealed by a registered architect, shall be submitted to the director~~
2317 ~~of planning prior to issuance of a building permit or business license.~~

2318 2. Each group child caring care home ~~institution~~ must provide at least four (4) parking
2319 spaces within a driveway, garage or carport, and must comply with any applicable
2320 requirements in article 6.

2321 F. ~~Child caring care facility institutions, community (seven (7) or more children).~~

2322 1. Two (2) copies of the complete architectural plans of the subject community child
2323 caring facility ~~institution~~, signed and sealed by a registered architect, shall be submitted
2324 to the director of planning prior to issuance of a building permit or business license.

2. Each community child caring ~~facility institution~~ must provide at least one-half (0.50) parking spaces for each employee and resident, and must comply with any applicable requirements in article 6.

Section 5:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed to the extent of the conflict.
5. The within ordinance shall become effective upon its adoption.
6. [The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.]

SO ORDAINED AND EFFECTIVE this the ____ day of _____, 2019.

Approved:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019-_____

Jason Lary, Sr., Mayor

As to form:

City Attorney

Attest:

Brenda James, City Clerk

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019-_____

2410
2411
2412
2413
2414



CITY COUNCIL AGENDA ITEM

SUBJECT: CELL TOWER MORATORIUM

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☒ OTHER

Work Session: 03/25/2019

Council Meeting: 03/25/2019

SUBMITTED BY: Winston Denmark, City Attorney

PURPOSE: Discussion

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



CITY COUNCIL AGENDA ITEM

SUBJECT: SALEM ROAD/EVANS MILL ROAD INTERSECTION

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☒ DISCUSSION ONLY ☐ RESOLUTION ☐ OTHER

Work Session: 03/25/2019

Council Meeting: 03/25/2019

SUBMITTED BY: Mayor Jason Lary

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approval



CITY COUNCIL AGENDA ITEM

SUBJECT: City Clerk Appointment

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☒ DISCUSSION ONLY ☐ RESOLUTION ☐ OTHER

Date Submitted: 03/22/19

Council Meeting: 03/25/2019

SUBMITTED BY: Mayor Jason Lary, City of Stonecrest

PURPOSE: Introduction and discussion of the City Clerk Appointment

HISTORY: None

OPTIONS: Confirm Mayor's Appointment

ATTACHMENT(S): None



CITY COUNCIL AGENDA ITEM

SUBJECT: AWARD LMIG RESURFACING BIDS

☐ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☒ OTHER

Work Session: 03/25/2019

Council Meeting: 03/25/2019

SUBMITTED BY: Plez Joyner, Deputy City Manager

PURPOSE: Bid Award

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

MEMO

To: Mayor and City Council
Plez Joyner, Deputy City Manager

From: Ken Hildebrandt, City Engineer

Date: March 20, 2019

RE: Resurfacing Bids

The City sent out an Invitation To Bid (ITB #2019-005) for two projects. The base bid was for the resurfacing of 18 local streets within the city. A bid alternate was requested for the reconstruction of Turner Hill Road.

In December 2018 the City submitted an application to the Georgia Department of Transportation (GDOT) for the Local Maintenance & Improvement Grant (LMIG) funding. This street list was compiled using the latest DeKalb County pavement condition rating list from 2017. The City was awarded \$536,511.28 of LMIG funding for this project.

The following list of 18 local streets was approved.

#	STREET	FROM	TO
1	WEST MORGANS BLUFF CT	MARBUT RD	CUL DE SAC @ 2039
2	LEVERETT DR	6083-84 LEVERETT DR	6132-36 LEVERETT DR
3	ABERDEEN WAY	CUL DE SAC @ 3170	3080 ABERDEEN WAY
4	BROWNS MILL LAKE CT	BROWNS MILL LAKE RD	CUL DE SAC
5	WINSLOW CROSSING	PEQUEA DR	DEAD END @ 5552
6	SOUTH PORTSMOUTH CIR	PORTSMOUTH CIR	CUL DE SAC @ 3534
7	SHERWOOD TRACE	TRENT JONES WAY	69' N OF DOGWOOD MNR
8	ROCK PORT LN	ROCK PORT DR	DE E@6140&W@6124
9	ROBERTSON PATH	FANNIN DR	CUL DE SAC @ 5388
10	RADFORD LN	FANNIN DR	CUL DE SAC @ 5386
11	PHILLIPS PL	PHILLIPS RD	CUL DE SAC @ 6437
12	PENN CIR	PARK CENTRAL BLVD	CUL DE SAC
13	PALM TREE DR	PANOLA MILL DR	CUL DE SAC @ 3261
14	LOST DUTCHMAN DR	MINERS CREEK RD	CUL DE SAC & D. E.
15	HUNTERS PACE CIR	HUNTERS PACE DR	CUL DE SAC @ 5510
16	HUNTERS CROSSING FORD	HUNTERS CROSSING CT	CUL DE SAC @ 5687
17	HILLANDALE DR	EVANS MILL RD	W.TO DEAD END
18	SHIREWICK DR	PANOLA RD	SHIREWICK LN

Additionally, the two-lane portion of Turner Hill Road (from Rockland Road to the Bojangles Restaurant driveway) is in desperate need of repair. Due to its poor condition, a pavement analysis was required to determine the proper construction method. United Consulting took core

samples and their pavement analysis recommended Full Depth Reclamation for this portion of Turner Hill Road. This process requires that the existing asphalt and base be removed, a reconstructed base will be installed and compacted, and a total of 4.75" of asphalt will be laid.

For the base bid, five bids were received:

1. Stewart Brothers	\$2,961,383.62
2. HEH Paving	\$1,574,377.17
3. Atlanta Paving	\$1,622,468.82
4. Blount Construction	\$1,515,594.10
5. Pittman Construction	\$1,894,136.50

For the Turner Hill Road Full Depth Reclamation, four bids were received:

1. Stewart Brothers	\$869,595.00
2. Atlanta Paving	\$649,140.59
3. Blount Construction	\$535,125.00
4. Pittman Construction	\$557,575.75

It is the recommendation of the City Engineer that ITB #2019-005 be awarded to the low bidder, **Blount Construction**, for both the 18 Local Streets and the Turner Hill Road Reconstruction for **\$1,515,594.10** and **\$535,125.00** respectively. The total amount for **the 2019 LMIG Resurfacing & Reconstruction Project** is **\$2,05,719.10** with **\$536,511.28** from **the City's 2019 LMIG** funding and **\$1,514,207.82** from **the City's SPLOST** funding.

Attached is the itemized bid summaries and associated supporting documentation. Let me know if you have any questions.

Attachments:

1. Signed 2019 LMIG Application
2. 2019 LMIG Bid Document
3. Bid Summary
4. Addendum #1 (Pre-Bid Meeting Notes from March 11, Questions from Email, LMIG Map, Geotechnical Report)
5. Addendum #2 (Additional Information for Turner Hill Rd Full Depth Reclamation)

FTB 2019-005 Streets 1-18

Stewart Brothers

ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	Full Asphalt Conc. Pavement, 8" Depth	SY	40,484	14.38	\$ 581,781.52
2	Recycled Asphalt Conc., 18mm Superfine, Incl. 8mm Material, H/Wide & Tack Coat	TON	8,094	125.85	\$ 1,018,198.90
3	Recycled Asphalt Conc., 3/4" Stone Subgrade, Incl. 8mm Material, H/Wide & Tack Coat	TON	4,485	132.50	\$ 594,762.50
4	Recycled Asphalt Conc. Patching, Incl. 8mm Material, H/Wide & Tack	TON	2,950	353.75	\$ 1,043,562.50
5	2' x 40" Traffic Signal Loop	EA	2	2,400	\$ 4,800.00
6	Thermoseal Solid Traffic Solids, 5 IN, Yellow	LF	2,600	1.80	\$ 4,680.00
7	Thermoseal Solid Traffic Solids, 2 IN, Yellow	LF	2,400	1.80	\$ 4,320.00
8	Thermoseal Solid Traffic Solids, 24 IN, Yellow	LF	36	24.00	\$ 864.00
9	Thermoseal Pavement Marking, Super TP 2	EA	3	320.00	\$ 960.00
10	Thermoseal Pavement Marking, Super TP 2	EA	N/A		
TOTAL					\$ 2,961,382.62

Heat Paving

UNIT PRICE	AMOUNT
5.98	\$ 240,776.32
94.05	\$ 574,904.10
96.55	\$ 441,995.75
345.00	\$ 267,250.00
1440.00	\$ 2,880.00
3.00	\$ 7,800.00
3.00	\$ 7,200.00
10.00	\$ 1,080.00
320.00	\$ 960.00
	\$ 1,434,377.12

Atlanta Paving

UNIT PRICE	AMOUNT
3.98	\$ 240,776.32
106.08	\$ 544,147.30
111.68	\$ 500,884.80
112.00	\$ 270,600.00
1350.00	\$ 2,700.00
6.72	\$ 1,872.00
6.72	\$ 1,728.00
12.00	\$ 1,080.00
128.00	\$ 378.00
	\$ 3,622,468.92

Mount Construction

UNIT PRICE	AMOUNT
4.50	\$ 271,275.00
88.15	\$ 504,030.50
95.99	\$ 434,265.60
127.91	\$ 207,193.00
2025.00	\$ 4,050.00
1.10	\$ 2,860.00
1.10	\$ 2,860.00
12.50	\$ 950.00
275.00	\$ 825.00
	\$ 1,615,394.60

Palman Construction

UNIT PRICE	AMOUNT
6.70	\$ 465,242.80
117.03	\$ 730,961.70
115.0	\$ 510,811.50
118.80	\$ 243,540.00
2025.00	\$ 4,050.00
1.90	\$ 5,018.00
0.60	\$ 1,512.00
130.25	\$ 3,269.00
10.50	\$ 31.50
	\$ 1,896,196.50

17B 2019-005 Turner Hill Road

Stewart Brothers						Atlas Paving		Blount Construction		Philon Construction	
ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Traffic Control	LS	1	318540	\$ 318,540.00	60733.59	\$ 60,733.59	25000.00	\$ 25,000.00	51729.80	\$ 51,729.80
2	12" Full Depth Reclamation	SY	34,000	37.50	\$ 245,000.00	7.92	\$ 110,880.00	8.95	\$ 125,300.00	8.4	\$ 112,600.00
3	Mill Asphalt Conc. Pavement, 3" Depth (Decel Lanes)	SY	0		\$ -		\$ -		\$ -	6.5	\$ -
4	Recycled Asphalt Conc., 19mm Superpave, Incl. Bitum. Material, H Time & Tack Coat	Ton	2,500	85.00	\$ 212,500.00	109.87	\$ 274,675.00	79.25	\$ 198,125.00	81.60	\$ 204,000.00
5	Recycled Asphalt Conc., 12.5mm Superpave, Incl. Bitum. Material, H Time & Tack Coat	Ton	1,600	92.00	\$ 147,200.00	111.91	\$ 179,104.00	85.00	\$ 136,000.00	87.79	\$ 140,460.00
6	Thermo. Solid Traffic Stripes, 5 IN, Yellow	LF	12,000	1.40	\$ 21,400.00	0.72	\$ 8,640.00	0.90	\$ 10,800.00	0.98	\$ 11,960.00
7	Thermo. Solid Traffic Stripes, 5 IN, White	LF	12,000	1.40	\$ 21,400.00	0.72	\$ 8,640.00	0.90	\$ 10,800.00	0.98	\$ 11,960.00
8	Thermo. Paint Marking, Arrow, TP 2	EA	3	120.00	\$ 360.00	120.00	\$ 378.00	125.00	\$ 375.00	130.25	\$ 390.75
9	Raised Pavement Markers, TP 1 & 3	EA	300	8.40	\$ 2,520.00	5.90	\$ 1,850.00	5.50	\$ 1,650.00	5.25	\$ 1,575.00
10	Regrade and Stabilize Shoulder	LF	9,500	10.55	\$ 100,225.00	1.52	\$ 14,440.00	2.85	\$ 27,075.00	2.95	\$ 28,025.00
TOTAL					\$ 860,965.00		\$ 649,140.59		\$ 535,125.00		\$ 557,525.75



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance Adopting Chapter 22 of the City Code (Solid Waste) - 1st Read

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☒ DISCUSSION ONLY	☐ RESOLUTION	☐ OTHER

Date Submitted: 03/22/19

Council Meeting: 03/25/2019

SUBMITTED BY: Winston Denmark, Attorney

PURPOSE: Discussion on Ordinance Adopting Chapter 22 of the City Code (Solid Waste)

HISTORY: None

OPTIONS: Approve or Deny

ATTACHMENT(S):

#1 Chapter 22 (Solid Waste) Of The City Code

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 22 (SOLID WASTE) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens and the City, and in conjunction with an intergovernmental agreement with DeKalb County for solid waste services, to adopt regulation governing trash pick-up and other solid waste matters that substantially mirror DeKalb County's existing regulations; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 22 (Solid Waste).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 22. Solid Waste" of the City Code to read and be codified as follows:

ARTICLE I. - IN GENERAL

Sec. 22-1. Definitions.

For the purposes of this Chapter, certain terms and words are defined. Where words have not been defined, but are defined in any other provision of this Code, those words shall have the meaning as defined therein. The following words, terms and phrases, when used in this Chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved receptacle for residential solid waste means a galvanized metal container or durable plastic container or durable plastic bag with the capacity of not less than twenty (20) gallons and no more than thirty-two (32) gallons, with the containers having two (2) durable handles on the sides thereof and a removable tight-fitting top. All containers shall be waterproof. Oil or grease drums, paint cans and similar salvaged containers shall not be acceptable.

Approved receptacle for yard debris trimmings means a biodegradable paper bag, empty card board box, clean galvanized metal container or durable plastic container with a capacity of not less than twenty (20) gallons and no more than forty (40) gallons. Containers shall have two (2) durable handles on the sides thereof or a bail by which it may be lifted. Oil or grease drums, paint cans and similar salvaged containers shall not constitute an approved receptacle for yard debris trimmings.

Collector means a person who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting solid waste from industries, offices, retail outlets, businesses, institutions and/or similar locations or from residential dwellings; provided, however, that this definition shall not include an individual collecting and/or transporting waste from the individual's own single-family dwelling unit.

Commercial container means a manufactured container suitable for emptying by mechanical equipment and approved by the Director. The following general standards are prescribed for commercial containers:

- (1) All containers must be steel, continuous welded and properly reinforced.
- (2) All lids will be flanged and reinforced for strength.
- (3) Pickup side of container shall be reinforced inside or outside at point of torque tub contact.
- (4) Inside reinforcement shall be pressed steel angel.
- (5) Bottoms shall be reinforced with one-and-one-half-inch drain plug installed flush to bottom.
- (6) All containers shall be primed and finished with enamel and epoxy paint.
- (7) Body dimensions as to length and height of container can vary with the size of container; however, all container widths will be seventy (70) inches. Minimum gauges of steel shall be as follows:

Walls	12 gauge
Ends	12 gauge

Bottoms	12 gauge for 4 cu. ft. and below
	10 gauge for all over 4 cu. ft.
Lids	16 gauge
Doors	14 gauge

Commercial establishment means any hotel, motel, apartment house, rooming house, business, industrial, public or semipublic establishment of any nature or kind whatsoever other than a single dwelling unit/residential unit and condominiums.

Commercial front loader container means a manufactured container suitable for emptying by mechanical equipment and approved by the Director.

Commercial/industrial solid waste means solid waste from commercial establishments that includes but is not limited to material from industrial processes, manufacturing canneries, slaughterhouses, packing plants, poultry processing plants or similar industries, and food waste.

Compactor container means a manufactured commercial container of any size with a self-contained compacting mechanism or an external compactor which is designed to be used in conjunction with the individual home appliance.

Compactor front loader container means a manufactured commercial container of any size with an external mechanical compacting system that detaches in order to be serviced by driving forward to the container using a commercial front loader vehicle.

Compactor roll-off container means a manufactured commercial container of any size with an internal or external mechanical compacting system that either detaches or is fully self-contained and is serviced by backing up to the container and hoisting it onto a commercial roll-off container vehicle.

Condominium means individual ownership units in a multifamily structure with a front and back entrance to each unit on the ground level.

89 *Construction and demolition solid waste* means solid waste from construction
90 and demolition projects that include but is not limited to remodeling, repair
91 operations on houses, commercial buildings, multiple dwellings and other
92 structures such as concrete, bricks, plaster, stone, earth, lumber, roofing materials,
93 gutters, shavings and sawdust.

94 *Conveyance* means any automobile, plane, train, bus, bicycle, motorcycle or
95 other method of transporting persons from one place to another.

96 *Department* means the Public Works Department of DeKalb County or its
97 successor for purposes of this Chapter, or that of the City if the context so
98 requires.

99 *Director* means the Director of the DeKalb County Public Works Department
100 or designee.

101 *Discard* means to throw, abandon, place, deposit, discharge, dump, bury,
102 burn or dispose of a substance.

103 *Disposal facility* means any facility or location where any treatment,
104 utilization, processing or deposition of solid waste occurs.

105 *Finance director* means the director of the department of finance of DeKalb
106 County.

107 *Garbage* means waste including but not limited to food waste, including
108 waste accumulation of animal or vegetable matter used or intended for use as
109 food, or that attends the preparation, use, cooking, dealing in or storing of meat,
110 fish, fowl, fruit or vegetables.

111 *Hazardous waste* means solid or liquid waste that does not meet the toxic
112 characteristic leachate procedure requirements and includes but is not limited to
113 highly flammable or explosive wastes; toxic wastes; industrial sludge; and other
114 waste material that the Director determines to be a likely hazard to the public
115 health, safety or environment, except radioactive waste materials.

116 *Incinerator* means the high temperature waste combustion unit designed to
117 dispose of pathological matter.

118 *Landfill* means a method of disposing of solid wastes, other than putrescible
119 wastes or hazardous wastes, on land by placing an earth cover thereon.

120 *Litter* means, but is not limited to, any organic or inorganic waste material,
121 rubbish, refuse, garbage, trash, yard debris, hulls, peelings, debris, grass, weeds,
122 ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken
123 glass, dead animals or intentionally or unintentionally discarded materials of
124 every kind and description but the term litter does not include "waste" as that term
125 is defined in O.C.G.A. § 16-7-51(6), as amended.

126 *Multiple dwelling* means a building designed for and containing two (2) or
127 more dwelling units.

128 *Municipal solid waste* means, but is not limited to, any solid waste derived
129 from households, including garbage, trash and solid waste from single-family and
130 multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic
131 grounds, and day use recreation areas. The term includes yard debris not separated
132 for recycling and commercial solid waste but does not include solid waste from
133 mining, agricultural, or silvicultural operations or industrial processes or
134 operations.

135 *Noncombustible trash* means, but is not limited to, materials which are
136 unburnable in the incinerator or at incinerator temperature of eight hundred (800)
137 to one thousand eight hundred (1,800) degrees Fahrenheit such as mineral water,
138 metal furniture, large metal scraps and wires, auto bodies or parts, and other
139 similar materials.

140 *Owner* means any person or entity that generates solid waste on real property
141 in the City and who is designated by the records of the office of the County tax
142 commissioner as the owner of such real property within the City.

143 *Plastic bag* means a polyethylene or other heavy-duty plastic bag meeting the
144 National Sanitation Foundation standard of at least one and one-half (1.5) mils
145 and not exceeding a thirty-two-gallon capacity.

146 *Public or private property* means the right of way of any road or highway;
147 any body of water or watercourse or the shores or beaches thereof; any park,

playground, building, refuge, or conservation or recreation area; timberlands or forests; and land used for business, residential, commercial, industrial, or farm purposes.

Putrescible waste means wastes that are capable of being decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Recycle means any process by which materials that would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or products.

Refuse means garbage, rubbish or commercial refuse.

Residential unit means any freestanding structure or shelter or any part thereof used or constructed for use as a residence for one (1) family.

Sanitary landfill means a method of disposing of putrescible waste on land for final disposition and/or management.

Sanitation or sanitary district means designated service areas established by this Code or by a contract with a municipality.

Scavenge means uncontrolled picking from discarded solid waste materials.

Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded materials including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operation materials; solid or dissolved matters in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject under 33 U.S.C. § 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended and as defined by O.C.G.A. § 12-8-22(33), as amended.

Special industrial waste container means any container such as a metal box, bucket, an open bed container or special container used for transporting

chemicals, paint, metals, glass, oil products, plastics or any type of material that requires special handling and cannot be incinerated.

Stationary compactor means an object of refuse container system which compacts refuse at the site of generation into a pull-on detachable container.

Tax commissioner means the constitutional officer charged with collecting both state, county and special taxes and contracted by the City for collection of all City ad valorem taxes.

Yard debris means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Sec. 22-2. Applicability.

This Chapter applies to the preparation and storage, collection, transportation and disposal of all refuse in the City of Stonecrest, including all public and private property. This Chapter prescribes rules and regulations therefore, regulates the collection of garbage and refuse, provides for the licensing and regulation of private garbage and refuse collection, prescribes rules and regulations for hauling garbage, refuse and other waste material within or through the City, and prohibits the unlawful deposit of litter within the City.

Sec. 22-3. Private transportation of refuse.

(a) It shall be unlawful for any person including DeKalb County refuse collectors and sanitary contractors to haul, convey or cause to be conveyed any refuse, including discarded building material or discarded furniture, upon or along the public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaking or being blown from transporting vehicles. The operator or owner of the offending vehicle shall be personally responsible for any violation of this Section.

- (b) It shall be unlawful for any person not licensed by the City to collect and haul any refuse other than that arising from such person's own accumulation within any areas of the City in which refuse collection service is maintained by contract with DeKalb County.

Sec. 22-4. Disposal of refuse and garbage generally.

- (a) It shall be unlawful for any person to dump or to cause to be dumped any garbage, refuse, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush or parts thereof anywhere in the City except as may be permitted by City regulations at the incinerator or sanitary landfills operated by DeKalb County without the expressed approval by action of the Mayor and City Council under such terms and conditions as may be invoked from time to time by the City.
- (b) The provisions of subsection (a) of this section do not apply to the dumping on private property with the owner's permission of sand, dirt, broken dirt, blocks, broken pavement or other suitable material for use as a fill to raise the elevation of the land, provided it is not maintained in an unsightly condition and provided the owner or owners of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment and assess the cost thereof against the real property on which such material was dumped.
- (c) If any of the matter or material dumped in violation of the provisions of subsection (a) of this section can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited therein, this identification shall be presumed to be prima facie evidence that the owner dumped or caused to be dumped such matter and material in violation of this Chapter.
- (d) For information leading to the arrest and conviction of any person violating the provisions of this Chapter or the provisions of any state law prohibiting the dumping of garbage, refuse or litter on any public or

private property within the City, the City shall pay a reward in the amount established by action of the Mayor and City Council, if any, a copy of which is on file in the office of the City Clerk, to the person furnishing such information leading to such arrest and conviction and such monies as may be a necessary cost of the operation and administration of the City government.

- (e) All compactors containing combustible materials emptied at a DeKalb County disposal facility will pay the price per ton established in section 22-33 of this Chapter.

Sec. 22-5. Operation of private landfills.

- (a) No sanitary landfill or dump shall be operated within the City without written approval of the City, DeKalb County and the State of Georgia.
- (b) Sanitary landfill and landfill hours of operation shall be limited to eighteen (18) hours each day, from 6:00 a.m. to 12:00 a.m., unless daily cover is applied and utilized in the manner described in the sanitary landfill's or landfill's design and operating plan approved by the State of Georgia Environmental Protection Division.

Secs. 22-6—22-25. - Reserved.

ARTICLE II. COUNTY COLLECTION AND DISPOSAL SERVICE.

Sec. 22-26. Notice to owner, occupant of unacceptable container or area.

DeKalb County, or the City of Stonecrest upon request by the County, upon determining that a can, container or area is becoming or has become unserviceable or unsanitary or likely to cause an unsanitary condition, shall issue a notice to the owner or occupant of the premises upon which the can, container or condition exists to inform such person of the condition existing.

Sec. 22-27. Pickup routes and districts established.

DeKalb County, as contracted provider of solid waste collection services for the City, shall divide the City into pickup routes, which routes shall be plainly

outlined on a map of DeKalb County and numbered numerically. The County shall prepare a list of the names of all the streets, roads, alleys, drives, highways and other public thoroughfares within each route; shall keep the map and lists for public inspection; and shall furnish a copy of the map showing any particular route along with a list of the names of the public thoroughfares therein to any person who requests them upon the payment of the actual cost for the reproduction of the map and list by either a County or commercial facility, whichever is available.

Sec. 22-28. Preparation and storage of residential refuse for collection; placement; unacceptable refuse.

It shall be the duty of the occupant or owner of any premises to keep all refuse pending collection and disposal as follows:

- (1) All garbage shall be free from liquid and initially placed in watertight plastic bags with the tops of such bags securely closed. The owner shall then place the closed plastic bags in an approved receptacle for residential solid waste to be collected and removed by the appropriate DeKalb County employee.
- (2) Other household refuse will be containerized in disposable containers (box, watertight or plastic bag) except that tree branches and heavy brush which will not fit into containers shall be cut in lengths not exceeding four (4) feet in length and stacked in a compact pile on the parkway in front of the residence adjoining the curb, but these piles shall not extend into the street. Sticks, hedge clippings and small brush shall be gathered into bundles and tied securely so that each bundle does not exceed four (4) feet in length nor weigh more than fifty (50) pounds. DeKalb County will not collect logs and limbs over four (4) inches in diameter or over four (4) feet long.
- (3) Noncombustible trash and liquids will not be collected and shall be disposed of by other means.

- (4) All refuse receptacles, except single-use paper or plastic bags, single-use paper or cardboard boxes, shall be kept clean and free of accumulated waste and shall be treated with an effective insecticide if necessary to prevent nuisance.
- (5) It shall be the duty of the occupant of any single residential unit, condominium or multiple residential unit not serviced by a commercial container to place refuse receptacles, watertight paper or plastic bags securely tied, rubbish and bundles, on assigned collection days, at a front curbside location in such a manner as not to obstruct passage; except that the residential superintendent may require it to be placed on any side of a property for the reasons of topography or efficiency. It shall also be the duty of the occupant to place the refuse at an appropriate curbside location at or before 8:00 a.m. or prior to the arrival of the sanitation truck; this placement shall not be made before 5:00 p.m. on the day prior to collection day. Any refuse placed on the curb after the departure of the pickup crew shall be at the peril of the owner and the owner shall be subject to prosecution for violation of this Chapter should the street become littered from the refuse.
- (6) It shall be the duty of the occupant to remove containers from the curbside location to the storage location, which storage location shall be nearer to the residential unit located on the premises than to any street abutting the premises; the removal shall be accomplished not later than 7:00 p.m. on the day the contents are emptied and collected.
- (7) Each owner shall prevent the continued, excessive and unsightly accumulation of refuse upon the property such person occupies or the public thoroughfares adjoining the property.
- (8) It shall be unlawful to place or cause to be placed in any refuse can or container for collection any acid, explosive material, inflammable liquid or dangerous or corrosive material of any kind.

- (9) Inoperative, privately used or worn out household appliances (refrigerators, stoves, washing machines, dryers, discarded furniture) will be collected at the curb on an on-call basis to the department.
- (10) Commercial waste generated from the conduct of business or commercial enterprise carried on from residential units will not be collected except on a special fee basis.

Sec. 22-29. Preparation and storage of commercial and multiple dwelling refuse for collection.

- (a) Before a building permit shall be issued for construction of a commercial establishment, condominium or multiple dwelling, arrangements for the storage of refuse and location of containers must be approved by the City.
- (b) Commercial containers at existing commercial establishments and multiple dwellings shall be placed at locations approved by DeKalb County for collection by DeKalb County. The County will not collect refuse from commercial establishments or multiple dwellings unless it is placed in commercial containers, properly located. Cardboard boxes shall be flattened and placed in containers.
- (c) Where the occupants of two (2) or more commercial establishments share the use of a refuse can or commercial container, it shall be the joint responsibility of the users to maintain the area surrounding such cans or containers clean and free of accumulations of refuse.
- (d) The occupant, or occupants, of commercial establishments and the management of multiple dwellings serviced by commercial containers shall be responsible for maintaining the area surrounding such commercial containers clean and free of accumulations of refuse.
- (e) All garbage and rubbish shall be free of liquid and placed in watertight paper or plastic bags with the tops secured prior to placing in commercial containers.
- (f) Commercial containers containing any of the following items will not be emptied:

- (1) Large household or industrial appliances.
- (2) Furniture.
- (3) Tires.
- (4) Wooden crates.
- (5) Logs or limbs over four (4) feet in length or four (4) inches in diameter.
- (6) Bed springs.
- (7) Rock, dirt, concrete blocks, etc.
- (8) Uncontainerized garbage, yard debris and household trash.
- (g) Normal household appliances will be collected on a special fee basis at multiple dwellings served by commercial containers, when placed adjacent to the commercial container and reported to the Department.
- (h) It is unlawful to place or cause to be placed in any refuse can or container for collection any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.

Sec. 22-30. Collection of refuse generally; conditions for collection by DeKalb County.

- (a) Refuse may be collected for disposal by DeKalb County, by municipalities or by persons or commercial sanitation firms licensed by DeKalb County.
- (b) DeKalb County and its licensed scavengers will collect refuse under the following conditions:
 - (1) Refuse will be collected twice each week from residential units except for exceptionally large piles of limbs which may require an excessive period of time to load.
 - (2) Refuse will be collected as often as six (6) times a week from commercial establishments.
 - (3) Dead animals (other than dogs and house pets) will not be collected, and dead dogs and house pets will be collected only from animal hospitals, curbsides and public rights-of-way. Dead house pets shall be in a plastic bag and placed at the curb. They

will be collected on a special fee basis and on an on-call basis by DeKalb County. Large dead animals shall be disposed of by burying on the individual's property to whom the animal belongs as neither DeKalb County nor the City of Stonecrest has responsibility to supply service for the removal and disposal of large dead animals.

(4) Collection service shall be discontinued where garbage or trash cans or commercial containers are inadequate or have been condemned as unfit by an inspector and notice has been given to the owner or occupant of the premises who has refused to correct the situation then existing.

(c) DeKalb County shall not be responsible for collecting or hauling discarded building material, dirt, rock or discarded furniture and appliances from private property, nor shall it be responsible for collecting or hauling trees, bushes or other vegetation from commercial tree trimmers, landscapers or building contractors except on a special fee basis.

Sec. 22-31. Garbage collection for disabled persons.

(a) Any person who is a full-time resident of a residential unit who is disabled to the extent of being incapable of moving refuse and shall obtain a physician's certificate as to this disability shall not be required to place the refuse at curbside. This section does not apply unless all of the persons in a residential unit are disabled and obtain a physician's certificate. These certificates will be mailed to the Director for appropriate notification of pickup crews. This subsection also applies to temporary disability not to exceed ninety (90) days (extensions are required).

(b) Residential cans shall not be placed more than one hundred fifty (150) feet from the curb or road edge, nor will refuse cans be picked up if any of the following conditions exist:

- (1) Gates are locked.
- (2) Gates are wired or tied shut.

(3) Dogs are loose in yard.

(4) Cans are in carports or garages.

Sec. 22-32. Billing for sanitary services, sanitary docket.

(a) *Commercial establishments.*

(1) It shall be the duty of DeKalb County authorized designee to prepare and mail to each owner or lessee of a commercial establishment in the sanitary districts of the County a monthly billing for sanitary services. These monthly payments shall be paid in advance by the owner or lessee of the commercial establishment property. It shall be the duty of the designated DeKalb County officer to enforce the collection of commercial establishment fees and assessments imposed by this Chapter. Failure by the owner or lessee of a commercial establishment to pay any amount due for the collection and disposal of refuse and/or fee imposed pursuant to section 22-33 shall be unlawful and an offense in violation of this Code. Failure by any owner or lessee or a commercial establishment to pay any amount due for the collection and disposal of refuse and/or fee imposed pursuant to section 22-33 may be treated by DeKalb County as a debt for which an action at law may be brought in the same manner as any other charge, assessment or debt.

(2) It shall be the duty of DeKalb County's authorized designee thereof to prepare, maintain and keep for public inspection a complete record of the name of each commercial establishment owner, the address or by tax map reference if no street address is available, the amount due for the calendar year, the amount of each monthly payment and an entry showing when each payment was made. This record shall be called the commercial establishment sanitary docket and shall be prepared monthly in advance. Each

monthly docket shall be cumulative of all unpaid monthly installments.

(3) Upon the request of any person interested in examining the title of any parcel of real estate in the sanitary districts of the County, the person in charge of the maintenance of the commercial establishment sanitary docket shall furnish to such person a form statement showing the information required in this section, which form statement shall be signed by the person maintaining the docket and DeKalb County's authorized designee as to the correctness of the information contained therein.

(4) On premises being served by the Department where there is a delinquent sanitary installment, after the owner or lessee of a commercial establishment thereof has been notified by the inclusion of the amount of the past due installment in a current statement or on a separate bill or other notice and the owner or lessee of a commercial establishment refuses to promptly pay it, DeKalb County may refuse sanitary pickup at those premises and sanitary service shall not be restored until these delinquent and current installments are paid in full.

(b) *Residential units.*

(1) All fees for sanitary services assessed against residential units shall be assessed upon the tax commissioner's books for each year and shall be collected by the tax commissioner. After collection, the tax commissioner shall transfer the sanitary fees to the County treasury according to the same schedule as County taxes. In collection of these sanitary fees, the tax commissioner shall be allowed to resort to any remedy or right allowed by law for the collection and payment of County taxes.

(2) It shall be the duty of the tax commissioner to prepare and mail to each owner of a residential unit in the sanitary districts of the

County an annual billing for sanitary services. This sanitary billing will appear as a separate line item assessment on the owner's annual property tax bill and shall become due and payable at the same time that County taxes are due and payable. If such sanitary billing remains unpaid, the tax commissioner or authorized designee, shall have the authority to issue a fi. fa. or execution against the property served, which fi. fa. or execution shall have the same lien dignity and priority as fi. fa.'s or executions issued for County taxes. Each annual installment shall become a lien against the property served on January 1 of each year in the same manner that a lien attaches for County taxes, and such lien shall cover the property of the owner until such billing for sanitary services is paid. Any sanitary billing amount that remains unpaid shall accrue penalty, interest and fi. fa. charges in the same manner and at the same rate as delinquent County taxes.

Sec. 22-33. Fee.

The fees for the collection and disposal of refuse and providing such services and to construct and maintain facilities therefor shall be as established by action of the DeKalb County Board of Commissioner, a copy of which is on file in the office of the Clerk of the Board of Commissioners.

Sec. 22-34. Burning combustible materials in containers owned or used by DeKalb County.

No person shall burn or attempt to burn or cause to be burned in any container belonging to or used by DeKalb County for refuse collection purposes any combustible material of any nature.

Sec. 22-35. Yard trimmings disposal restrictions.

(a) Notwithstanding any other provision of this Chapter to the contrary, all yard trimmings shall be subject to the provisions of this section;

- (b) Yard trimmings shall not be placed in or mixed with municipal solid waste;
- (c) Yard trimmings shall not be disposed at municipal solid waste disposal facilities having liners and leachate collection systems or requiring vertical expansion;
- (d) Yard trimmings shall be sorted and stored for collection in such a manner as to facilitate collection, composting, or other handling;
- (e) Yard trimmings shall be sorted and stockpiled or chipped, composted, used as mulch, or otherwise beneficially reused or recycled to the maximum extent feasible;
- (f) It shall be the duty of the occupant or owner of any premises to separate yard trimmings from all other municipal solid waste;
- (g) Yard trimmings shall not be placed in a plastic bag but shall be placed in an "approved receptacle for yard trimmings" as defined in this Chapter. All other requirements of this Chapter regarding containing yard trimmings and refuse shall apply.

Secs. 22-36—22-50. Reserved.

ARTICLE III. - PRIVATE SERVICES

Sec. 22-51. Definition.

In this Article, "commercial sanitation firm" includes any person engaged in the business of operating a sanitary compactor.

Sec. 22-52. License.

- (a) No person shall engage in the business of operating a commercial sanitation firm without a license issued by DeKalb County. A license application in compliance with this section shall be submitted to the Department for approval or other disposition.

- (b) Applications are available and may be submitted at the DeKalb County sanitation building, Camp Road, during working hours (8:00 a.m.—4:30 p.m.) Monday through Friday.
- (c) Each application shall have attached a list showing the type, size and location of stationary compactors, stationary compactor containers and/or industrial waste materials to be serviced by the applicant. A commercial sanitation firm applying for a permit to operate stationary compactors, stationary compactor containers or industrial waste containers shall certify at the time of application that the applicant or any corporate officer of the firm is not engaged in any illegal servicing of any commercial containers or refuse collection of any type in the sanitation district.
- (d) Approved licenses shall become effective on the first day of the calendar year. The fee to be paid to DeKalb County for each approved application shall be as established by the County, a copy of which is on file in the office of the Clerk of the DeKalb County Board of Commissioners. The fee shall be prorated for the remainder of the calendar year from the day this license is approved.

Sec. 22-53. Performance bond.

Each authorized commercial sanitation firm shall post a performance bond with DeKalb County in the amount established by the County, a copy of which is on file in the office of the Clerk of the DeKalb County Board of Commissioners.

Sec. 22-54. Monthly charge for each container in use.

In addition, each authorized commercial sanitation firm shall pay a monthly charge in the amount established by DeKalb County, a copy of which is on file in the office of the Clerk of the DeKalb County Board of Commissioners, for each stationary compactor container or industrial waste container in use on the last day of each month. This fee shall be paid on or before the fifteenth day of each

succeeding month for which the service was rendered. A schedule of the location of each stationary compactor shall accompany the payment of the fees.

Sec. 22-55. Decals on trucks.

Each truck used by a commercial sanitation firm to collect and transport combustible solid waste shall bear a decal issued by the Department. The issuance and placement of the decal must be accomplished at the DeKalb County sanitation office building, Camp Road, by the County.

Sec. 22-56. Decals, identification on compactors, containers.

Each stationary compactor and industrial waste container shall carry in a conspicuous spot a decal issued by DeKalb County which shows it has been properly permitted to operate in the County. In addition each stationary compactor, stationary compactor container or industrial waste container shall carry in a conspicuous spot the name, telephone number and address of the firm permitted to service the stationary compactor, stationary compactor container or industrial waste container. Any arrangement between firms to service another's units must receive written approval from the County.

Sec. 22-57. Installation of stationary compactor unit; prior approval of plans.

Plans and specifications for installing a stationary compactor unit shall be approved by DeKalb County prior to the installation. All stationary compactor shredders and stationary compactor containers shall be installed on class A, three thousand (3,000) psi concrete pads of not less than six (6) inches thickness. All installations shall comply with the requirements of the County mechanical code, fire code and health regulations.

Sec. 22-58. Special permit for handling special industrial waste.

Special permits shall be granted to firms holding stationary compactor permits for the installation of special industrial waste containers to handle refuse requiring special handling or special equipment. No special industrial waste container shall be emptied at the incinerator.

Sec. 22-59. Establishment contracting services exempt from county sanitary assessment.

A commercial establishment which contracts with a firm licensed to operate a stationary compactor service shall not be required to pay a sanitary assessment while it uses the stationary compactor service, provided additional service is not supplied.

Sec. 22-60. Disposal of collected refuse.

Licensees under this Article may dispose of their stationary compactor refuse and all acceptable industrial waste container refuse at the DeKalb County disposal facilities at a fee in the amount established by action of the County.

ARTICLE IV. SCRAP TIRE ENFORCEMENT

Sec. 22-61. Reserved.

Sec. 22-62. Intent and purpose.

The City Council finds that protection of the environment is vital to the health, safety, welfare and economic progress of the City and its citizens. Therefore, it is the intent of this Article to develop regulations and procedures that govern scrap tires from the point of generation to the point of disposal.

Sec. 22-63. Definitions.

For the purposes of this Article, certain terms and words are hereby defined. Where words are not herein defined, but are defined in other sections of this Chapter, those words shall have the meaning as defined in therein.

636 *Dump* means to throw, discard, place, deposit, discharge, bury, burn, or
637 dispose of a substance.

638 *End user* means the last person who uses the scrap tires, chips, crumb rubber,
639 or similar materials to make a product with economic value, or in the case of
640 energy recovery, the person who utilizes the heat content or other forms of energy
641 from the incineration or pyrolysis of waste tires, chips or similar materials.

642 *Environmental code enforcement officer* means an officer of the City, or
643 designee, authorized to write official warnings and citations to insure compliance
644 with this Chapter. This definition shall include anyone designated by the City, or
645 its designated solid waste services provider, as a sanitation inspector.

646 *Manifest* means a document used to identify the quantity and composition
647 and the origin, routing, and destination of scrap tires during transportation from
648 the point of generation, through any intermediate points, to an end user, processor
649 or disposer approved by the Georgia Department of Natural Resources,
650 Environmental Protection Division, hereinafter referred to as EPD.

651 *Mixed tires* means a heterogeneous group of tires consisting of used,
652 retreadable casings and scrap tires.

653 *Recycle* means any process by which materials which would otherwise
654 become solid waste are collected, separated, or processed and reused or returned
655 to use in the form of raw materials or products.

656 *Retreadable casing* means a tire suitable for retreading.

657 *Reused tire* means a tire used for purposes, approved by the EPD, other than
658 intended, such as playground equipment, offshore reefs, and erosion control.

659 *Scrap tire* means a tire that is no longer suitable for its originally intended
660 purpose because of wear, damage, or defect.

661 *Scrap tire carrier* means any person engaged in picking up or transporting
662 scrap tires, not otherwise exempted, for the purpose of removal to a scrap tire
663 processor, end use, or disposal facility.

664 *Scrap tire generator* means any person who generates scrap tires. Generators
665 may include, but are not limited to, retail tire dealers, retreaders, scrap tire

processors, automobile dealers, private company vehicle maintenance shops, garages and service stations.

Scrap tire processing means any method, system, or other treatment designed to change the physical form, size, or chemical content of scrap tires and includes all aspects of its management (administration, personnel, land, equipment, building, and other elements) and includes processing by: shredding, chopping, chipping, baling, splitting, recycling or sorting of scrap tires.

Scrap tire processor means any person who is approved by the EPD to receive tires from scrap tire generators, scrap tire carriers or the general public for the purpose of scrap tire processing.

Scrap tire sorter means any person, other than the original scrap tire generators, who handles mixed tires by separating used tires and retreadable casing from scrap tires.

Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operation materials; solid or dissolved matters in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended and as defined by O.C.G.A. § 12-8-22(33) as may hereafter be amended.

Tire means a continuous, solid or pneumatic covering designed for encircling the wheel of a vehicle that is not permanently attached to the vehicle or a part of the vehicle as original equipment.

Tire handling business means any person that derives fifteen (15) percent or more of its gross income from the sale, processing, transporting or disposal of tires.

Tire retailer means any person engaged in the business of selling new replacement tires.

Tire retreader means any person actively engaged in the business of retreading scrap tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire.

Ultimate consumer means the last person who receives and uses a new replacement tire. Ultimate consumers may be, but are not limited to: individual, leasing and private companies purchasing tires from retail dealers for their vehicle fleets and government agencies.

Used tire means a tire which has a minimum of two-thirty-seconds (2/32) foot of road tread and which is still suitable for its original purpose. It must be inventoried and marketed in substantially the same fashion as a new tire, and the dealer must be able to provide satisfactory evidence to the City or designee that a market exists, and that the used tires are in fact being marketed.

Sec. 22-64. General.

It shall be unlawful to dump scrap tires or cause, suffer or allow the dumping of scrap tires at any place in the City including the following:

- (1) Any public highway, road, street, alley, or thoroughfare, including any portion of the right of way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping; and
- (2) Any river, canal, stream, creek, or fresh water lake; and
- (3) Any public property or private property not owned or maintained by the alleged violator.

Sec. 22-65. Scrap tire storage, handling, and disposal.

- (a) O.C.G.A. § 12-8-20 et seq., as amended, are hereby incorporated in this section as if fully set forth herein.
- (b) It shall be the responsibility of the owner or occupant of property to store all scrap tires in a manner that will not adversely affect the public health and safety.

- (c) It shall be the responsibility of the owner or occupant of property to store all scrap tires in a manner that is consistent with federal, state and local law.

Sec. 22-66. Accumulation.

- (a) No person may store more than one hundred (100) scrap tires anywhere in the City. Any person storing in excess of one hundred (100) scrap tires shall be deemed to be in violation of this part. The following exceptions shall apply:

- (1) A solid waste disposal site permitted by the EPD if the permit authorizes the storage of scrap tires prior to their disposal;
- (2) A tire retailer with not more than three thousand (3,000) scrap tires in storage;
- (3) A tire retreader with not more than one thousand five hundred (1,500) scrap tires in storage so long as the scrap tires are of the type that the retreader is actively retreading.
- (4) An auto salvage yard with not more than five hundred (500) scrap tires in storage; and
- (5) A scrap tire processor approved by the EPD so long as the number of scrap tires in storage do not exceed the quantity approved by the EPD.

- (b) It shall be unlawful for any person to store scrap tires except in a container, located outside of an authorized business, enclosed on all four (4) sides by a solid screen and having a secure top cover to prevent the accumulation of water in the container.

Sec. 22-67. Compliance.

- (a) *Scrap tire generator.* Any person who generates scrap tires shall obtain a scrap tire generator identification number issued by EPD and shall maintain copies of manifests for any scrap tires that have been shipped or removed from the business location within the past thirty-six (36) months.

Separate identification numbers are required for each generator having multiple generation locations.

(1) The manifests shall include the following information:

- a. Name and identification number of the generator;
- b. Number and total tonnage (accurate to within ten (10) percent of actual number) of scrap tires to be transported;
- c. Name and permit number of the scrap tire carrier;
- d. Date of transport;
- e. Destination of scrap tires; and
- f. Signatures of the scrap tire generator, scrap tire carrier and scrap tire processor.

(2) The completed manifest(s) and the scrap tire generator identification number shall be made available to the City's code enforcement officer or designee upon request.

(3) Scrap tire generator identification numbers are not transferable; and each generator shall insure that the scrap tire section of the EPD approves the carrier being used to transport scrap tires.

(b) *Scrap tire carrier.* It shall be the responsibility of the carrier to return a completed copy of the manifest to the scrap tire generator within thirty (30) days from the date on which the scrap tire carrier takes possession of the scrap tires. The date the scrap tire carrier takes possession of the scrap tires shall be indicated on the manifest.

(c) *Tire handling businesses.* All tire handling businesses shall maintain an accurate inventory of all new and used tires received at the place of business, sold to a consumer, sent to another tire handling businesses, or shipped to an approved processor. Inventory and quarterly transport reports shall be kept on site and made available for inspection by City code enforcement officers or designee. Quarterly reports shall be sent to the DeKalb County Director of Public Works and shall include the following information:

- (1) Name of company that transported tires;
- (2) Name of owner of company and driver of transport vehicle;
- (3) Telephone number of transport company;
- (4) Valid environmental protection division scrap tire program transportation identification number;
- (7) Type of vehicle used to transport tires; and
- (8) Quarterly tire transport report shall be mailed to the address below:
DeKalb County Director of Public Works
1300 Commerce Drive
Decatur, Georgia 30030

Sec. 22-68. Enforcement.

- (a) Enforcement of this Article shall be the responsibility of the City Code Enforcement officers or designees.
- (b) The Code Enforcement Officers, or designees, are authorized to enforce this Article on behalf of the City, and shall be empowered to enter private property, with the owner's consent, at reasonable times in order to inspect the property for violation of this Article. If the owner does not consent to such entry on private property for inspection, such officer shall obtain a warrant to enter upon the property.

Sec. 22-69. Violations and penalties.

Any person violating any portion of this Article shall be guilty of an ordinance violation and upon conviction thereof, shall be punished as set forth in section 1-11 of this Code, and as follows:

- (1) First offense: A fine not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or up to thirty (30) days imprisonment, or both.

- (2) Upon conviction, the court may also order the convicted person to remove any scrap tires that have been accumulated in violation of this Article from the property.

ARTICLE V. LITTER CONTROL.

Sec. 22-70. Purpose and Objectives.

The purpose of this Article is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this article are:

- (a) To provide for uniform prohibition of littering on public or private property throughout the City of Stonecrest; and,
- (b) To prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter; and,
- (c) To preserve the value of the many unique natural resources in the City and enhance the beauty and quality of life enjoyed by the citizens of the City.

Sec. 22-71. Applicability.

This Article shall apply to all public and private property within the City of Stonecrest, Georgia.

Sec. 22-72. Compatibility with Other Regulations.

This Article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Article should be considered minimum requirements, and where any provision of this Article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence and shall control.

Sec. 22-73. Prohibition Against Littering on Public or Private Property or Waters.

(a) It shall be unlawful for any operator of a conveyance or any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property or in any waters within the City of Stonecrest unless:

(1) The property is designated by the State of Georgia or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to leave or deposit litter on such property; or

(2) The litter is placed into an approved receptacle or container installed on such property.

(b) It shall be unlawful for any operator of a conveyance to allow any person to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing litter out of any conveyance onto any public or private property or in any waters within the City unless:

(1) The property is designated by the State of Georgia or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to leave or deposit litter on such property; or

(2) The litter is placed into an approved receptacle or container installed on such property.

Sec. 22-74. Litter Control Responsibilities.

Owners must place all of their residential solid waste within durable plastic bags and securely tie the plastic bag prior to placing it in an approved receptacle for residential solid waste.

Sec. 22-75. Vehicle Loads Causing Litter; Commercial Front Loader Containers.

- (a) No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.
- (b) All commercial front loader containers must meet all of the following requirements:
- (1) Containers must be steel, continuously welded and properly reinforced according to manufacturer's specifications;
 - (2) Lids must be constructed of durable plastic and reinforced for strength;
 - (3) The pickup side of the container shall be reinforced inside or outside at the point of torque tub contact;
 - (4) The inside reinforcement of the container shall be pressed steel angle;
 - (5) The bottoms of the containers shall be reinforced with a one-and-one-half-inch (1½") drain plug installed flush to the bottom;
 - (6) All containers shall be primed and finished with enamel and epoxy paint;
 - (7) Body dimensions as to length and height of container can vary with the size of container; however, all container widths shall be seventy (70) inches; and
 - (8) Minimum gauges of steel for such containers shall be as follows:

Walls	12 gauge
Ends	12 gauge
Bottoms	12 gauge for 4 cubic feet and below
	10 gauge for all over 4 cubic feet
Lids	16 gauge
Doors	14 gauge

Sec. 22-76. Evidence.

- (a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Article, it shall be a rebuttable presumption that the operator of the conveyance has violated this Article.
- (b) Except as provided in subsection (a) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this Article is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Article.

Sec. 22-77. Violations, Enforcement and Penalties.

- (a) Any person that does anything prohibited or fails to do anything required by this Article, upon conviction of the violation in Municipal Court, shall be subject to fine and/or imprisonment in accordance with Section 1-11. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (b) Upon conviction of any violation of this Article, the Municipal Court shall impose a fine of not less than two hundred dollars (\$200.00) in addition to any other penalty or punishment imposed by the Court.
- (c) Upon conviction, the Municipal Court may order the convicted person to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one (1) mile any litter the convicted person has deposited and any and all litter deposited thereon by anyone else prior to the date of the sentence.
- (d) Upon conviction, the Municipal Court may order the convicted person to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in

lawful possession of such property, any private property upon which it
can be established by competent evidence that he has deposited litter.
Pick up and removal shall include any and all litter deposited thereon by
anyone prior to the date of the sentence.

- (e) All City law enforcement agencies and officers are hereby authorized,
empowered and directed to enforce compliance with this Article.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

974 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2019.

975

976

977 Approved:

978

979

980

981

Jason Lary, Sr., Mayor

982

983

As to form:

984

985

986

987

Winston A. Denmark, City Attorney

988 Attest:

989

990

991

992 _____
Leah Rodriguez, Interim City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance Adopting Chapter 22.5 of the City Code (Storm Sewer Illicit Discharge and Illegal Connection) - 1st Read

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☒ DISCUSSION ONLY	☐ RESOLUTION	☐ OTHER

Date Submitted: 03/22/19

Council Meeting: 03/25/2019

SUBMITTED BY: Winston Denmark, Attorney

PURPOSE: Discussion on Ordinance Adopting Chapter 22.5 of the City Code (Storm Sewer Illicit Discharge and Illegal Connection) - 1st Read

HISTORY: None

OPTIONS: Approve or Deny

ATTACHMENT(S):

#1 Chapter 22.5 (Storm Sewer Illicit Discharge and Illegal Connection) Of The City Code

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 22.5 (STORM SEWER ILLICIT DISCHARGE AND ILLEGAL
CONNECTION) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens to provide a standard, regulation and preservation of the City's storm sewer system; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 22.5 (Storm Sewer Illicit Discharge and Illegal Connection).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 22.5. Storm Sewer Illicit Discharge and Illegal Connection" to read and be codified as follows:

**CHAPTER 22.5. STORM SEWER ILLICIT DISCHARGE AND ILLEGAL
CONNECTION**

ARTICLE I. GENERALLY

Sec. 22.5-1. Purpose and Intent

The purpose of this Chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the city municipal separate storm sewer system (city MS4) the maximum extent practicable as required by state and federal law. This Chapter establishes methods for controlling the introduction of pollutants into the city MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Chapter are to:

- (1) Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of the city MS4,

including public and private stormwater conveyances in city's service area.

(2) Comply with State EPD and Federal EPA stormwater regulations, as defined herein, developed pursuant to the Federal Clean Water Act and the Georgia Water Quality Control Act.

(3) Control the contribution of pollutants to the city MS4 by stormwater discharges associated with commercial and industrial activity and the quality of stormwater discharged from sites of commercial and industrial activity.

(4) Prohibit illegal connections to the city MS4.

(5) Control illicit discharges to the city MS4 of spills, dumping or disposal of materials other than stormwater.

(6) Control, through intergovernmental agreements, the contribution of pollutants from one municipality or county system to another.

(7) Provide for intergovernmental cooperation in management, monitoring and enforcement of the city stormwater management program among the city and the county.

Sec. 22.5-2. Definitions

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

Accidental discharge means a discharge prohibited by this Chapter into the city MS4 which occurs by chance and without planning or consideration prior to occurrence.

Authorized representative means:

(1) If the discharger is a business, an owner, partner, corporate officer or highest ranking employee of the business employed at the facility from which the discharge or connection was made;

(2) If the discharger is a Federal, State or local government facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or that person's designee.

Best management practices or *BMPs* means a wide range of stormwater management regulations, procedures, engineering designs, activities, prohibitions or practices which control the quality and/or quantity of stormwater.

City municipal separate storm sewer system (City MS4) means a stormwater conveyance or system of stormwater conveyances that are all of the following; owned or maintained by the city, as described in Chapter 25; designed or used for collecting or conveying stormwater; is not a combined sewer; not part of a publicly owned treatment works (POTW); and not owned or operated by any other government entity.

City stormwater management program means that program of activities and procedures for stormwater management as set forth in the application for the permit, as approved by the State EPD, and any amendment or modification thereto, including the city stormwater inspection and maintenance policy and the city stormwater extent of service/level of service policy.

Construction activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits, including but not limited to construction projects resulting in land disturbance, cleaning and grubbing, grading, excavating, and demolition.

Cooling water means water used exclusively as a cooling medium in an appliance, device or apparatus.

Department, unless otherwise specified, means the Public Works Department and its divisions which are responsible for stormwater management activities and implementation of the provisions of this

Chapter or such other department as may hereafter be designated to enforce this Chapter or any portion thereof.

Director means the Director of Public Works or designee or, when a department other than the public works department is designated to enforce provisions of this Chapter or any portion thereof, the director of such department or designee.

Discharge means the spill, draining, dumping, deposit, seeping, disposal, placement, release or loss of any material or substance to the City MS4.

Discharger means any person that permits pollutants to enter the city Municipal Separate Stormwater Sewer System.

Easement means an acquired legal right for the specific use of land owned by others.

Federal Clean Water Act or *Clean Water Act* means the Federal Water Pollution Control Act, as amended, presently codified at 33 USC 1251 et seq., and all regulations adopted pursuant thereto.

Federal EPA or *EPA* means the United States Environmental Protection Agency.

Georgia Water Quality Control Act or *Water Quality Control Act* means the Georgia Quality Control Act, as amended, presently codified at O.C.G.A. § 12-5-20 et seq., and all regulations adopted pursuant thereto.

Groundwater means water beneath the earth's surface between saturated soil and rock.

Illegal connection means either of the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether

such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by a federal, state or local law enforcement agency; or

- (2) Any pipe, open channel, drain or conveyance connected to the City MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized local, State or Federal enforcement agency.

Illicit discharge means any direct or indirect non-stormwater discharge to the City MS4, except as exempted in Article 3 of this Chapter.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR 122.6(b)(14), as amended.

Maintenance means any action necessary to preserve stormwater conveyances in proper working condition, in order to serve the intended purposes set forth in this Chapter or to prevent structural failure of such conveyances.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means a permit issued by the state EPD under the authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Permit means the National Pollution Discharge Elimination System permit for discharges issued by the State EPD on or about June 15, 1994, or such subsequent permit or authorization for discharges from the City MS4 to waters of the State.

Person means any and all persons, natural or artificial, and includes any individual, firm, corporation, government agency, business

trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Pollutant means anything that causes or contributes to pollution. Pollutants include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, such that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and concrete and cement.

Pollution or polluted means the contamination or other alteration of any water's physical, chemical or biological properties, including, but not limited to, change in temperature, taste, color, turbidity, or odor of such waters; or the discharge of any liquid, gaseous, solid, radioactive, or other substance into the City MS4 as will or is likely to create a nuisance or render any waters contained therein or discharged into waters of the state harmful, detrimental or injurious to the public health, safety or general welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Private means property or stormwater conveyances owned by individuals, corporations, and other organizations and not by City, County, State or Federal governments.

190 *Procedure* means a procedure adopted by the Department to
191 implement a regulation or regulations adopted under this Chapter, or to
192 carry out other responsibilities as may be required by this Chapter or other
193 Chapters of this Code, or other ordinances or resolutions of the City or
194 other agencies.

195 *Regulation* means any regulation, rule, development standard, or
196 other requirement prepared by the Department and adopted by the City
197 Council pursuant to the requirements of this Chapter.

198 *Sanitary sewer system* means the complete sanitary sewer system
199 which discharges sanitary sewerage directly or indirectly into the sewage
200 treatment plant, including sanitary sewer pipelines, manholes and flushing
201 inlets and appurtenances to the foregoing, but shall exclude any portion or
202 facilities of the sewage treatment plant.

203 *Site* means any lot, plot, parcel or tract of land.

204 *State EPD or EPD* means the Environmental Protection Division
205 of the State Department of Natural Resources.

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

211 *Stormwater* means any surface flow, runoff, and drainage
212 consisting entirely of water from any form of natural precipitation, and
213 resulting from such precipitation.

214 *Stormwater conveyance* means natural or constructed stormwater
215 conduits, features, facilities or best management practices designed or
216 used for the collection, conveyance or treatment of stormwater through
217 open or closed drainage systems, including, but not limited to, pipes,
218 ditches, depressions, swales, roads with drainage systems, highways,
219 rights-of-way, streets, catch basins, curbs, gutters, ditches, manmade

channels, storm drains, detention ponds, retention ponds, infiltration devices, oil/water separators, sediment basins, or other such devices.

Stormwater discharge associated with industrial activity means the discharge from any stormwater conveyance which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The term "stormwater discharge associated with industrial activity" includes, but is not limited to, stormwater discharges from industrial facility yards; immediate access roads and rails lines used or traveled by carriers of raw materials, manufactured products, waste materials or by-products used or created by the facility; material handling sites; refuse sites; sites used for the storage and maintenance of material handling equipment; sites used for application or disposal of process wastewater; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms for raw materials, and intermediate and finished products) and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater in a manner to meet the objectives of this Chapter and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater and water quality impacts caused by manmade changes to the land.

Stormwater runoff means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Unpolluted means the absence of pollution.

Water quality means those characteristics of stormwater that relate to the physical, chemical, biological or radiological integrity of water.

Water quantity means those characteristics of stormwater that relate to the rate and volume of the stormwater.

Sec. 22.5-3. Cooperation with Other Governments.

The City may enter into agreements with other local governments to carry out the purposes of this Chapter, comply with the provisions of the permit, and to implement the city stormwater management program. These agreements may include, but are not limited to, agreements regarding enforcement of provisions, resolution of disputes cooperative stormwater management programs and cooperative monitoring, maintenance, enforcement and management of municipal separate storm sewer systems, or other action as may be needed to control the contribution of pollutants and between any municipal system and the City MS4.

Sec. 22.5-4 - Sec. 22.5-19. Reserved.

ARTICLE II. POWERS.

Sec. 22.5-20. Scope of Regulation.

- (a) The provisions of this Chapter shall apply throughout the geographic boundaries of the city to any developed and undeveloped land unless expressly exempted.
- (b) The Director, acting through the Department, shall be responsible for the coordination and enforcement of the provisions of this Chapter.
- (c) The Director, acting through the Department, shall be responsible for the conservation, management, maintenance (where applicable), extension and improvement of the City MS4, including activities necessary to control stormwater discharges,

and activities necessary to carry out stormwater management programs included in the permit.

- (d) The provisions of this Chapter shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers or authority granted by Federal, State or local law or ordinance.

Sec. 22.5-21. Powers of the Department.

- (a) The Department shall have the power to administer and enforce all regulations and procedures adopted to implement this Chapter, including the right to maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this Chapter, or to seek recovery of damages, fees or costs.

- (b) The Department can:

- (1) Administer, coordinate and oversee conservation, acquisition, extension, improvement, design, construction, management, operation and maintenance of the City MS4;
- (2) Establish or oversee establishment of regulations for control, management, and enhancement of the quality or quantity of stormwater and establish procedures and guidelines to implement such regulations;
- (3) Determine the manner in which stormwater conveyances should be operated;
- (4) Inspect and enforce private stormwater conveyances which discharge to the City MS4;
- (5) Advise the City Council and other City Departments or agencies on issues related to stormwater;

- (6) Protect the City MS4 and stormwater conveyances and properties owned or maintained by City and prescribe how they are used by others;
- (7) Require new, increased, or significantly changed stormwater discharges to the City MS4 to comply with the terms of this Chapter, including regulations and procedures adopted pursuant thereto, with respect to the installation of stormwater conveyances or best management practices;
- (8) Develop programs or procedures to control the discharge of pollutants into the City MS4;
- (9) Develop, adopt and implement the city stormwater management program, including the city stormwater inspection and maintenance policy and the city stormwater extent of service/level of service policy; and
- (10) Comply with Federal and State regulations and permits concerning the city MS4.

Sec. 22.5-22 – Sec. 22.5-39. Reserved.

ARTICLE III. REGULATED STORMWATER DISCHARGES

Sec. 22.5-40. Regulation of Quantity of Stormwater Discharges.

The quantity of stormwater discharges to the City MS4 shall be regulated as set forth in applicable City ordinances and Code provisions.

Sec. 22.5-41. Prohibited and Illicit Discharges.

It is unlawful for any person to discharge or to cause, permit, or suffer to be discharged any pollutants or any water or stormwater containing any pollutants to any component of the City MS4. Such discharge shall be deemed an illicit discharge and constitutes a violation of the provisions of this Chapter.

Sec. 22.5-42. Prohibited and Illegal Connections.

- (a) It is unlawful for any person to connect a stormwater conveyance of any type that discharges any matter of any nature that is not composed entirely of stormwater or such unpolluted water as exempted in accordance with the provisions of Section 22.5-43. Such connection shall be deemed an illegal connection and constitute a violation of the provisions of this Chapter.
- (b) Illegal connections must be disconnected and redirected immediately, as necessary and appropriate, to the sanitary sewer system upon approval of the authority having jurisdiction to provide sanitary sewer service within the City. Any such redirection to the sanitary sewer system must be in compliance with the applicable provisions of this Code, State and Federal law and regulations.
- (c) The prohibition against illegal connections expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (d) Any drain or conveyance that has not been documented in the city's plans or maps, and which is illegally connected to the City MS4, shall be relocated immediately by the owner or occupant of that property upon receipt of written notice of violation from the Director requiring that such relocation be completed.

Sec. 22.5-43. Exemptions from Prohibitions on Illicit Discharges and Illegal Connections.

- (a) The following categories of discharges and connections are exempt from the prohibitions set forth in sections 22.5-40 and 22.5-41 unless the Director determines that the following discharge or connection is a significant source of pollution:

- 373 (1) Water line flushing performed or approved by the Director
374 and other unpolluted discharges from potable water
375 sources;
- 376 (2) Landscape irrigation and lawn watering;
- 377 (3) Uncontaminated pumped ground water;
- 378 (4) Diverted stream flows;
- 379 (5) Rising ground water;
- 380 (6) Groundwater infiltration to the City MS4;
- 381 (7) Water from foundation and footing drains (not including
382 active groundwater dewatering systems) crawl space
383 pumps, and air conditioning condensation;
- 384 (8) Springs;
- 385 (9) Individual residential car washing where biodegradable
386 soap is used;
- 387 (10) Natural flows from riparian habitats and wetlands;
- 388 (11) Unpolluted dechlorinated swimming pool discharges;
- 389 (12) Flows from firefighting; or
- 390 (13) Other water not containing pollutants.
- 391 (b) In the event that the Director determines a discharge or connection
392 to constitute a significant source of pollution, then the Director
393 shall notify the discharger that the discharge or connection is
394 prohibited by the terms of this Chapter, and the discharger shall be
395 required to immediately cease the illicit discharge or disconnect
396 the illegal connection.
- 397 (c) The discharger, after notice, shall immediately cease the illicit
398 discharge or disconnect the illegal connection and bring any
399 discharge or connection to the City MS4 into compliance with the
400 applicable provisions of this Chapter.
- 401 (d) This section shall not apply to any non-stormwater discharge
402 permitted under an NPDES permit or order issued to the discharger

and administered under the authority of the State and the EPA, provided that the discharger is in full compliance with all the requirements of the permit, waiver, or order and other applicable laws and regulations. The discharger must supply the Director with a copy of the NPDES permit or order.

Sec. 22.5-44. Stormwater Discharges Associated with Industrial or Construction Activity.

- (a) Discharges of stormwater associated with industrial activities or construction activities must comply with the permit requirements of the NPDES program for stormwater discharges and the regulations in chapter 14. Specific dischargers of stormwater associated with industrial or construction activity are responsible for submitting a permit application to the state EPD.
- (b) A copy of the permit application shall be submitted to the Director.
- (c) Discharges of stormwater associated with industrial or construction activity must comply with all provisions of this Chapter for any discharges which are made to the City MS4.

Sec. 22.5-45. Appeal of Denial of Exemption.

- (a) Any person aggrieved by the determination of the Director that a discharge or connection, otherwise exempted under the provisions of section 22.5-43, is a significant source of pollution may file with the Director a notice of appeal of such determination to the Construction Board of Appeals. The notice of appeal must be in writing and received within 15 days of receipt of the notice of the determination from the Director that such discharge or connection constitutes a source of pollution. The notice of appeal must set forth the reasons that the person believes that the determination of the Director should be rescinded.

(b) An appeal shall be sustained only upon the express written finding by the Construction Board of Appeals that the Director's action was based on an erroneous finding of a material fact, or that the Director acted in an arbitrary manner. In exercising its powers, the Construction Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the Director from whom the appeal was taken and may issue or direct the issuance of an exemption provided all requirements imposed by all applicable laws are met. The Construction Board of Appeals may also remand any appeal for the receipt of additional information.

(c) The fact that a person has appealed the determination of the Director shall not delay or otherwise hinder any notice of violation, citation or other enforcement action or proceeding brought by the Director to enforce the provisions of this Chapter after notice of the determination.

(d) Appeals from the decision of the Construction Board of Appeals shall be by writ of certiorari to the superior court of the county.

Sec. 22.5-46. Notification of Accidental Discharges and Spills.

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City's separate storm sewer system, state waters, or waters of the U.S., the person shall take all

necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

- (b) Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Public Works Department within three (3) business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

- (c) In the event such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

- (d) Failure to provide notification of a release as provided in this section is a violation of this Chapter.

Sec. 22.5-47 – 22.5-59. Reserved.

ARTICLE IV. MAINTENANCE.

Sec. 22.5-60. Stormwater Conveyances; Ownership, Inspection and Public Access.

- (a) All stormwater conveyances shall be privately owned and maintained, unless accepted for public ownership and maintenance by the City.
- (b) The City may require dedication of privately owned stormwater conveyances which discharge to the City MS4.

(c) Owners of stormwater conveyances that discharge to the City MS4 shall maintain a perpetual non-exclusive easement that allows for monitoring, inspection and emergency maintenance by the City.

(d) Where stormwater conveyances are accepted by the City for maintenance, public access easements shall be provided by the property owner to the City and recorded in the real property records of City.

Sec. 22.5-61 – 22.5-79. Reserved.

ARTICLE V. INVESTIGATION AND INSPECTION

Sec. 22.5-80. Investigation.

The Department shall have authority to investigate any apparent violation of any provision of this Chapter and to take any action authorized by this Chapter which it deems necessary to enforce the provisions of this Chapter.

Sec. 22.5-81. Inspection and Right of Entry.

(a) The Director or designee may inspect any stormwater conveyance within or outside of an existing drainage easement.

(b) The Director or designee, bearing proper credentials and identification, and in accordance with State and Federal law, shall be permitted to enter private or public property at reasonable times to inspect or investigate conditions relating to the enforcement of this Chapter, the investigation of any apparent violation of any provision of this Chapter, compliance with the terms of the permit, observation, measurement, sampling or testing with respect to the City stormwater management program or compliance with the permit, and periodic investigations in accordance with provisions of this Chapter. The Director or

designee shall notify the owner of the property or the representative on-site, except in the case of an emergency.

(c) The Director or designee, bearing proper credentials and identification, and in accordance with State and Federal law, shall be permitted to enter private or public property at reasonable times for repairs, maintenance and other similar purposes related to any portion of the City MS4. The Director or designee shall notify the owner of the property or the representative on-site, except in the case of an emergency.

(d) The Director or designee, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this Chapter, compliance with the terms of the permit, or observation, measurement, sampling or testing with respect to the City stormwater management program or the permit, and periodic investigations in accordance with the provisions of this Chapter.

(1) Inspection warrants may be issued by the Municipal Court when the issuing judge is satisfied that the Director or designee has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.

(2) An inspection warrant will be validly issued only if it meets the following requirements:

a. The warrant is attached to the affidavit required to be made in order to obtain the warrant.

- b. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection.
- c. The warrant indicates the conditions, objects, activities or circumstances which the inspection is intended to check or reveal.
- d. The warrant refers, in general terms, to the code provisions sought to be enforced.
- e. Measurements, samples, tests and analyses performed by the City or required of any discharger to the City MS4 shall be in accordance with 40 CFR 136, unless another method is approved by the Director.

Sec. 22.5-82. Emergency Powers.

- (a) If, after inspection, the condition of a stormwater conveyance presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the City shall have the right to take action as may be necessary to protect the public health, safety and general welfare and make the stormwater conveyance safe.
- (b) The Department may conduct emergency maintenance or remediation operations on private property and on private stormwater conveyances. Emergency maintenance or remediation operations shall constitute actions to remedy conditions that in

the opinion of the Director create a condition potentially injurious to life, property or the City MS4.

- (c) Emergency maintenance conducted on any stormwater conveyance shall not be construed as constituting a continuing maintenance obligation on the part of the City.

Sec. 22.5-83. Authority to Require Person to Cooperate with Department.

Whenever required to carry out the objectives of this Chapter, including but not limited to obtaining information regarding permit compliance, implementing the City stormwater management program, or determining whether any person is in violation of any provision of this Chapter, the Director or designee may in writing require a discharger to the City MS4 to:

- (1) Establish and maintain records;
- (2) Make reports;
- (3) Install, use, and maintain monitoring equipment or methods, including where appropriate, biological monitoring methods;
- (4) Sample such discharges, in accordance with such methods, at such locations, at such intervals, and in such manner as the Director shall prescribe; and
- (5) Provide such other information as he may reasonably require.

Sec. 22.5-84 – 22.5-99. Reserved.

ARTICLE VI. PENALTIES AND ENFORCEMENT.

Sec. 22.5-100. Notice of Violations and Summons.

- 616 (a) Whenever the Director or designee determines that a violation of
617 this Chapter or regulations and procedures adopted thereto has
618 occurred, the Director or designee shall serve upon the discharger
619 a notice of violation. The notice of violation shall be in writing,
620 include a description of the property sufficient for identification
621 of where the violation has occurred, list the provisions of this
622 Chapter which have been violated, and state that, if the violation
623 is not remedied within a specified reasonable time to be
624 determined by the Director or designee, a summons shall be
625 issued for the discharger to appear in Municipal Court. The notice
626 of violation shall set forth the potential penalty involved and the
627 fact that each day the violation continues shall constitute a new
628 and separate violation.
- 629 (b) Notwithstanding the foregoing, the Director or designee may
630 issue a summons to appear in Municipal Court without first
631 issuing a notice of violation if, in the judgment of the Director,
632 the illicit discharge or illicit connection was not an accidental
633 discharge or if the violation constitutes a threat to the public
634 health, safety, general welfare, or the City MS4.
- 635 (c) If the violation has not been remedied within the time specified in
636 the notice of violation, the Director or designee shall issue a
637 summons to the discharger to appear in Municipal Court. The
638 summons shall be in writing, include a description of the property
639 sufficient for identification of where the violation has occurred,
640 list the provisions of this Chapter which have been violated, set
641 forth the penalty if the discharger is convicted of the violation,
642 and state that each day the violation continues shall constitute a
643 new and separate violation.
- 644 (d) Nothing in this section shall limit the authority of the Director or
645 designee to take any action, including emergency actions or any

other enforcement action, without first issuing a notice of violation.

Sec. 22.5-101. Submission of Corrective Plan.

- (a) Within ten (10) business days of conviction by Municipal Court or resolution of any appeal, the discharger shall submit to the Director a plan for the satisfactory correction of the violation, including corrective and preventive procedures, and implementation of best management practices, where necessary to prevent recurrence.
- (b) Submission of this plan in no way relieves the discharger of liability for any violations occurring after conviction for the violation. The failure to submit this plan as required by this section shall constitute a separate violation of this Chapter.

Sec. 22.5-102. Cease and Desist Order.

When the Director finds that a discharger has violated, or continues to violate, any provision of this Chapter or that the discharger's past violations are likely to recur, the Director or designee may issue an order to the discharger directing the discharger to cease and desist all such violations and to:

- (1) Immediately comply with the provisions of this Chapter;
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation and to prevent recurrence of the violation; and
- (3) Each day of violation of a cease and desist order, after notice thereof, shall constitute a separate violation of this Chapter.

Sec. 22.5-103. Penalties.

- (a) Any discharger who does anything prohibited or fails to do anything required by the provisions of this Chapter shall be guilty of a violation of this Chapter and, upon conviction in Municipal Court, shall be subject to a fine or imprisonment, or both. Violation of the provisions of this Chapter constitutes an infraction subject to a penalty not to exceed \$1,000.00 or 120 days' imprisonment or both per violation for each day of the violation.
- (b) Nothing in this section shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 22.5-104. Injunctive Proceedings.

- (a) The City may institute appropriate action or proceedings at law or equity for the enforcement of this Chapter or to correct violations of this Chapter. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief which restrains the violation or compels the requirements imposed by this Chapter on activities of the discharger. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the discharger to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a discharger.
- (b) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, environmental impacts assessments, geotechnical work, and the costs of any actual

damages incurred by the City, including, but not limited to, costs
of containment and cleanup.

Sec. 22.5-105. Civil Damages and Violations.

- (a) If a discharger has violated, or continues to violate, any provision of this Chapter, the City may file a civil damage action against the discharger, through the City Attorney, seeking such damages, fees and costs as are permitted by law.
- (b) In addition to the enforcement processes and penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, the violation may be abated by injunctive or other equitable relief as provided by law.
- (c) The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable Federal, State or local law and City may pursue cumulative remedies.

Sec. 22.5-106 – 22.5-119. Reserved.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____,
2018.

Approved:

Jason Lary, Sr., Mayor

As to form:

Winston A. Denmark, City Attorney

Attest:

Leah Rodriguez, Interim City Clerk

- (1) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (2) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in this division, the results of the additional monitoring shall be included in the report.
- (c) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the director's designee as identified in the wastewater discharge permit within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analyses and submit the results of the repeated testing to the director within thirty (30) days of becoming aware of the violation. The user is not required to resample if the department monitors at the user's facility at least once a month, or if the department samples between the user's initial sampling and when the user receives the results of that sampling.
- (f) *Reports of changed conditions.* Each user must notify the director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.
- (1) The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 25-232 ~~of this division~~.
- (2) The director may issue a wastewater discharge permit under section 25-231 ~~of this ordinance~~ or modify an existing wastewater discharge permit under section 25-246 ~~of this division~~ in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.

(Ord. No. 97-05, § 1, 3-11-97)

Sec. 25-237. - Signatories and certification.

All wastewater discharge permit applications submitted under section 25-232 and all user reports ~~(submitted under section 25-236 of this division)~~ must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. No. 97-05, § 1, 3-11-97)

Sec. 25-238. - Record keeping.

Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, time of sampling and the name of the person(s) taking the samples; the dates the analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user, the City or ~~the city or the~~ county, or where the user has been specifically notified of a longer retention period by the director.

(Ord. No. 97-05, § 1, 3-11-97)

Sec. 25-239. - Appeals.

- (a) Any user may appeal an altered or new permit condition or alleged violation of a current permit condition to the department. Such appeal must be received within thirty (30) workdays. The department shall schedule an appeal review meeting within thirty (30) days to discuss the appealed condition of this division or wastewater discharge permit and corrective or remedial action to be taken.
- (b) If the user and the department can agree to appropriate corrective remedial or preventive measures, such measures and a reasonable compliance schedule shall be incorporated as a supplemental condition of the user's wastewater discharge permit. If an agreement is not reached through the conciliation process, the department shall refer the appeal to the board of commissioners governing authority and the board of commissioners governing authority shall review the appeal and adjudge the dispute. The board of commissioners sewer system provider shall then institute such actions as deemed advisable to ensure the user's compliance with the provisions of this division or other laws or regulations.

(Code 1976, § 6-2067; Ord. No. 97-05, § 1, 3-11-97)

Sec. 25-240. - Public participation and access to records.

- (a) The county city and the sewer system provider shall comply with the regulations for public participation as applicable under federal, state or local law.
- (b) Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs and from the county sewer system provider's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction

of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law, or that such information is otherwise protected from disclosure under applicable federal or state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. It shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving persons furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

~~(Code 1976, § 6-2068; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-241. - Federal limits supersede local limits.

Upon the promulgation of a national categorical pretreatment standard for a particular industrial subcategory, the national standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The ~~county sewer system provider~~ shall notify all affected significant industrial users of the applicable reporting requirements under 40 CFR 403.12.

~~(Code 1976, § 6-2069; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-242. - Significant noncompliance.

The director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of wastewater measurements taken during a six-month period exceed the daily limit or average limit for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily limit or the average limit multiplied by the applicable criteria (1.4 for BOD; TSS; fats, oils and grease; and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- 2488 (4) Any discharge of pollutants that has caused imminent endangerment to the public or to
2489 the environment, or has resulted in the director's exercise of his emergency authority to
2490 halt or prevent such a discharge;
- 2491 (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule
2492 milestone contained in the wastewater discharge permit;
- 2493 (6) Failure to provide, within thirty (30) days after the due date, any required reports,
2494 including baseline monitoring reports, reports on compliance with categorical
2495 pretreatment standard deadlines, periodic self-monitoring reports and reports on
2496 compliance with compliance schedules;
- 2497 (7) Failure to accurately report noncompliance; or
- 2498 (8) Any other violation(s) which the director determines will adversely affect the operation
2499 or implementation of the local pretreatment program.

2500 (~~Ord. No. 97-05, § 1, 3-11-97~~)

2501 **Sec. 25-243. - Penalties and enforcement.**

- 2502 (a) Upon determination that a violation of this ordinance has occurred, the director shall serve
2503 upon that discharger a written notice of violation. Within fifteen (15) days of receipt of this
2504 notice, an explanation of the violation and a plan for the satisfactory correction and
2505 prevention thereof, to include specific actions, shall be submitted by the violator to the
2506 department. Submission of this plan in no way relieves the user of liability for any violations
2507 occurring before or after receipt of the notice of violation. Nothing in this section shall limit
2508 the authority of the director to take any action, including emergency actions or other
2509 enforcement action, without first issuing a notice of violation.
- 2510 (b) The director may order a discharger which has violated, or continues to violate, any
2511 provisions of this ordinance to appear before the director and show cause why the proposed
2512 enforcement action should not be taken. The notice of the meeting shall be served by
2513 registered or certified mail, or by personal service on the user or the authorized
2514 representative of the user. Such notice may be served on any authorized representative of the
2515 discharger. A show cause hearing shall not be a bar against, or a prerequisite for, taking any
2516 other action against the discharger.
- 2517 (c) When the director finds that a discharger has violated, or continues to violate, any
2518 provisions of this division or that the discharger's past violations are likely to recur, the
2519 director may issue an order to the discharger directing it to cease and desist all such
2520 violations and directing the discharger to:
- 2521 (1) Immediately comply with all requirements; and,
- 2522 (2) Take such appropriate remedial or preventive action as may be needed to properly
2523 address a continuing or threatened violation and to prevent recurrence of the violation.
- 2524 (3) Each day of violation of a cease and desist order, after notice thereof, shall constitute a
2525 violation of this division, and shall constitute a separate violation of this division,

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

subject to the maximum fine or imprisonment, or both, set forth in section 1-1011 of this Code.

- (d) Violation of the provisions of this ordinance constitutes an infraction subject to a penalty not to exceed one thousand dollars (\$1,000.00) per day per violation, imprisonment in the ~~county jail~~ for a term not exceeding thirty (30) days, or by labor on the work gang for sixty (60) days for any single offense, in accordance with section 1-1011 of this Code. ~~DeKalb County~~ The City or its authorized agent may institute appropriate action or proceedings at law or equity for the enforcement of this division or to correct violations of this division. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense. Nothing herein contained shall prevent the ~~county~~ City or its authorized agent from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.
- (e) When the director finds that a discharger has violated, or continues to violate, any provision of this ordinance, the director may petition the courts ~~through the county attorney~~ for the issuance of a temporary or permanent injunction, as appropriate, which rest rains or compels the requirements imposed by this ordinance on activities of the user. The director may also seek such other action as appropriate for legal and/or equitable relief, including a requirement for the discharger to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or prerequisite for, taking other action against a discharger.
- (f) The director may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred ~~by the county~~, including, but not limited to, containment, cleanup, injury, death and other.

(Ord. No. 97-05, § 1, 3-11-97)

Sec. 25-244. - Permit revocation.

The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the director or his designee of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the director or his designee of changed conditions pursuant to this chapter;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or any other required reporting;
- (4) Falsifying self-monitoring reports or other required reporting;
- (5) Tampering with monitoring equipment;

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (6) Refusing to allow the director or his designee timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- (13) Change of any condition that requires either temporary or permanent reduction or elimination of the permitted discharge; or
- (14) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

~~(Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-245. - Permit modification.

The director may modify any permit in whole or in part during its term for cause including, but not limited to, the following:

- (1) Violating any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance any provision of this chapter;
- (2) Engaging in any act that would constitute basis for revocation of the permit;
- (3) For purpose of incorporating any new or revised federal, state or local pretreatment standard or requirements;
- (4) For purpose of addressing significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- (5) Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;
- (6) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

(8) To correct clerical or other errors in the wastewater discharge permit; or

(9) Changing any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

~~(Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-246. - Affirmative defenses to discharge violations.

(a) *Upset.*

(1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of ~~section~~subsection 25-246(a)(3) of this section, below, are met.

(3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and the user can identify the cause(s) of the upset;
- b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- c. The user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- d. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- e. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

f. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 25-253(1) ~~of this division~~ or the specific prohibitions in section 25-253(2)(c) through (g) ~~of this division~~ if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the county was regularly in compliance with its NPDES permits, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) *Bypass.*

(1) For the purposes of this section,

a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of ~~paragraphs subsections~~ (c)(3) and (4) of this section.

(3) Prior notice.

a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) days before the date of the bypass, if possible.

b. A user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) a. Bypass is prohibited, and the director may take an enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notices as required under ~~paragraph subsection (c)~~(3) of this section.

b. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in ~~paragraph (d)1.subsection (c)(4)a~~ of this section.

~~(Ord. No. 97-05, § 1, 3-11-97)~~

Secs. 25-247—25-250. - Reserved.

DIVISION 5. - DISCHARGE REGULATIONS

Sec. 25-251. - Discharge of prohibited waters.

Discharge to a public sanitary sewer of stormwater, surface runoff or groundwater is prohibited. These waters shall be discharged to sewers specifically designated as storm sewers, combined sewers, or to an outlet approved by the ~~county~~city.

~~(Code 1976, § 6-2071)~~

Sec. 25-252. - Unauthorized tampering or use of sewers, appurtenances.

No unauthorized person shall uncover, make any connections with or open, use, alter or disturb any public sanitary sewer or appurtenance without first obtaining a written permit from the department.

~~(Code 1976, § 6-2072)~~

Sec. 25-253. - Prohibited substances, wastes or materials.

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
- (1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases, or any other pollutants which create a fire or explosive hazard in the POTW including, but not limited to, wastestreams with a closed-up flash point of less than one hundred forty (140) degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
 - (2) Wastewater having a pH lower than 5.0 or higher than 11.5 or otherwise causing corrosive structural damage to sewerage or harm to personnel.
 - (3) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, or any water wastes containing toxic or poisonous solids, liquids or gases in a quantity sufficient to interfere with any sewerage or sewage treatment process, constitute a hazard to humans or animals or create a public nuisance, whether these wastes cause problems independently or via action with other substances.
 - (4) Solids or viscous liquids in quantities, types or sizes which will cause either flow obstruct ion in the sewer system or interference with the operation of the POTW (size may not be greater than one-half (½) inch in any dimension).
 - (5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;and.
 - (7) Wastes or pollutants which have been classified as hazardous waste or hazardous materials in accordance with 40 CFR Part 261.

~~(Code 1976, § 6-2073; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-254. - Limits set on certain substances, materials and wastes.

- (a) Discharge of any of the following water substances, wastes, or materials into a public sanitary sewer in excess of the stated limits and/or conditions is prohibited:
- (1) Liquid or water vapor having a temperature greater than one hundred fifty (150) degrees ~~Fahrenheit~~, or which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees ~~Celsius~~.
 - (2) Water or waste containing fats, wax, grease or oils of a petroleum or mineral base, in a concentration greater than one hundred (100) milligrams per liter (mg/l).

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (3) Substances which become solids or very viscous liquids at temperatures greater than thirty-two (32) degrees Fahrenheit.
- (4) Garbage that has been improperly shredded (any dimension greater than one-half (½) inch).
- (5) Water or waste containing the contaminants listed at a concentration greater than the limits set. This restriction includes, but is not limited to, discharges by any user of the collection and treatment system such that specific pollutants discharged to the county sanitary sewer system do not exceed concentrations specified below... The concentration limits on discharges by any user, listed below, may be used as a guide in design and plant control, but may be alerted by the boardgoverning authority in the event of a discharge causing upset, interference or pass through at the POTW or having a deleterious effect upon any other aspect of public welfare, either alone or in combination with other discharges:

I. LOCAL DISCHARGE LIMITS FOR
ALL DEKALB COUNTY
INDUSTRIAL USERS
MAXIMUM DAILY
CONCENTRATION

(As measured in discharges from manufacturing processes only, excluding domestic wastes or unpolluted discharges)

- a. Local discharge limits for all industrial users maximum daily concentration (as measured in discharges from manufacturing processes only, excluding domestic waters or unpolluted discharges):

Contaminant	Industrial User Discharge Limit (mg/L)	Sample Type
Arsenic	0.12	24-hr. composite
Cadmium	0.01	24-hr. composite
Chromium	2.3	24-hr. composite
Copper	2.6	24-hr. composite
Cyanide, Total	0.08	Grab
Lead	0.12	24-hr. composite

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

Mercury	0.002	24-hr. composite
Molybdenum	1.7	24-hr. composite
Nickel	1.8	24-hr. composite
Phenol	3.6	Grab
Selenium	0.5	24-hr. composite
Silver	1.7	24-hr. composite
Zinc	2.5	24-hr. composite

2776

2777

2778

2779

2780

2781

2782

2783

2784

2785

2786

2787

2788

2789

2790

H. ~~LOCAL DISCHARGE LIMITS FOR~~
~~DEKALB COUNTY~~
~~INDUSTRIAL USERS~~
~~DISCHARGING~~
~~TO THE CITY OF ATLANTA'S~~
~~RM CLAYTON WPCP~~
~~MAXIMUM DAILY~~
~~CONCENTRATION~~

~~(As measured in discharges from manufacturing processes only, excluding domestic waste or unpolluted discharges)~~

- b. Local discharge limits for industrial users discharging to the City of Atlanta's RM Clayton WPCP maximum daily concentration (as measured in discharges from manufacturing processes only, excluding domestic waste or unpolluted discharges):

Contaminant	Industrial User Discharge Limit (mg/L)	Sample Type
Phosphorus, total	10 mg/L	24-hr. composite
Phosphorus, total, from food processing industry only	25 mg/L	24-hr. composite

2791

- 2792 (6) Water or wastes containing taste- or odor-producing contaminants in such quantities
2793 that, after treatment of sewage, these contaminants impart their tastes or odors to
2794 receiving waters.
2795 (7) Water or wastes colored by dye or other solutions to such a degree that the color is not
2796 removed by treatment.
2797 (8) Wastes containing substances emitting radiation greater than one thousand (1,000)
2798 picocuries per liter (pCi/l) for gross beta.
2799 (9) Any other contaminant which the director deems harmful to the operation or efficiency
2800 of sewage treatment plants, the utilization or disposal of sludges, or to the health and
2801 welfare of the residents of the county.
2802 (10) Waters or wastes containing any compound found to be toxic, in concentrations
2803 exceeding such acceptable limits as have been or shall be defined by the Environmental
2804 Protection Agency. This limitation includes compounds defined by the Environmental
2805 Protection Agency as priority pollutants pursuant to 40 CFR 403.
2806 (b) Ground paper products shall be prohibited from being discharged into the public sewer
2807 system.
2808 (c) All industrial users shall be required to meet pretreatment standards as set forth in Title 40
2809 Part 403 of the Code of Federal Regulations, entitled "General Pretreatment Regulations for
2810 Existing and New Sources of Pollution". The categorical pretreatment standards found at 40
2811 CFR Chapter I, Subchapter N, Parts 405—471 are hereby incorporated.
2812 (d) The ~~county~~city or the sewer system provider may establish by ordinance, or the director may
2813 establish in wastewater discharge permits, more stringent standards for requirements on
2814 discharges to the POTW.
2815

2816 ~~(Code 1976, § 6-2074; Ord. No. 97-05, § 1, 3-11-97; Ord. No. 00-76, 7-25-00)~~

2817 **Sec. 25-255. - Discharges which affect effluent quality from sewage treatment plants.**
2818

2819 Discharges of materials or substances which would cause interference, upset and/or pass-
2820 through in the POTW, whether alone or in combination with other substances and discharges, are
2821 prohibited. Included without limitation in this category are:

- 2822 (1) Slug concentrations of inert suspended solids (such as lime slurries).
2823 (2) Slug concentrations of inert dissolved solids (such as sodium chloride).
2824 (3) Slug concentrations of colored wastes (such as dyes and tanning solutions).
2825 (4) Slug concentrations of materials high in BOD or COD.
2826 (5) Slug concentrations of ammonia or organic nitrogen compounds.
2827 (6) Slug concentrations of phosphorus compounds.
2828 (7) Other wastes not amenable to treatment.
2829

2830 ~~(Code 1976, § 6-2075; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-256. - Accidental discharge/slug control plans.

- (a) At least once every two (2) years, the director or his designee shall evaluate whether each significant user needs an accidental discharge/slug control plan. The director or his designee may require any user to develop, submit for approval and implement such a plan. Alternatively, the director or his designee may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the director or his designee of any accidental or slug discharge, as required by section 25-262 ~~of this division~~;
 - (4) Procedures to prevent adverse impact from accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (b) Pollutants, substances or wastewater prohibited by this division shall not be processed or stored in such a manner that they could be discharged to the POTW. Pollutants, raw materials, products, processed materials or waste materials shall not be stored in such a manner that they could be discharged to the storm drain or cause a contaminated discharge to the municipal separate storm sewer system.

~~(Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-257. - Separators and interceptors.

Grease, oil and sand separators shall be provided when wastes containing more than one hundred (100) mg/l of fat, oil, grease or sand are discharged. Separators shall also be provided for any other substance in the wastes which becomes viscous or solidifies at a temperature above thirty-two (32) degrees Fahrenheit. All interceptors or separators shall be approved in writing by the county and shall be located for easy inspection. All expenses of installation and operation shall be borne by the owner. Interceptors and separators shall not be required for private living quarters.

~~(Code 1976, § 6-2076; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-258. - Industrial discharges and surcharges.

- (a) Industrial contributors to the public sanitary sewer system shall be required to pay a sewer rate surcharge based upon the concentration of total suspended solids (TSS), five-day BOD, ammonia and/or total phosphorus in their effluents. Industrial dischargers whose wastes contain greater than two hundred fifty (250) mg/l of either five-day BOD and/or total

suspended solids, thirty (30) mg/l ammonia, or ten (10) mg/l total phosphorus shall pay the surcharge in an amount set by the boardsewer system provider.

- (b) If values for any constituent exceed two (2) times the minimum surcharge concentration (i.e., five hundred (500) mg/l TSS) then the director may, if determined that these wastes adversely affect the POTW, require the industrial user to install pretreatment before discharging wastes to the public sanitary sewer system. This pretreatment must reduce the concentration of the wastes by treatment/removal of the excess constituent to the point where it no longer harms the POTW, and the values for all constituents are less than two (2) times the minimum surcharge concentration.

- (c) Periodic determination of the values for constituents subject to surcharge shall be made on composite samples of industrial effluents by personnel of the countysewer system provider.

~~(Code 1976, § 6-2077; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-259. - Discharges requiring pretreatment.

The departmentsewer system provider may require pretreatment of wastewater to an acceptable condition before discharge to the public sanitary sewer system when wastewaters contain the substances or possess the characteristics of prohibited or limited discharges. Pretreatment may also be required if these wastewaters cause upset, interference or pass through at the POTW or have a deleterious effect upon any other aspect of public welfare, either alone or in combination with other discharges. In addition to lowering the concentrations of substances to an acceptable level through pretreatment or altering the characteristics of a wastewater, the departmentsewer system provider may require additional controls before discharge to the public sanitary sewer system. In particular, quantities or rates of discharge shall be altered so that the discharge becomes more compatible with the sewer system. Expenses incurred in the installation and operation of these controls shall be borne by the industrial user.

~~(Code 1976, § 6-2078; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-260. - Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

~~(Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-261. - Measurements, tests and analyses, and sample collection.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- 2911
2912 (a) Any measurements, tests, analyses, sample types, sample containers and/or holding times to
2913 which reference is made in this chapter shall be determined in accordance with procedures
2914 and specifications as set forth in Title 40 Part 136 of the Code of Federal Regulations, unless
2915 otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136
2916 does not contain sampling or analytical techniques for the pollutant in question, sampling
2917 and analyses must be performed in accordance with procedures approved by EPA.
- 2918 (b) Analyses shall be determined at the control manhole, or upon a suitable sample taken at the
2919 control manhole. If no control manhole is available on the building sewer, the control
2920 manhole shall be considered the nearest downstream manhole to which the building sewer is
2921 directly connected. When the director deems it necessary, the owner of any property served
2922 by a building sewer carrying industrial wastes shall install a suitable control manhole on the
2923 building sewer to facilitate observation and sampling of wastes. This manhole, when
2924 required, shall be accessible, safely located, and constructed at the owner's expense in
2925 accordance with countythe relevant specifications of the city or of the sewer system
2926 provider.
- 2927 (c) Except as indicated in section 25-261(d), belowsubsection (d) of this section, the user must
2928 collect wastewater samples using flow proportional composite sampling techniques. In the
2929 event flow proportional sampling is infeasible, the director may authorize the use of time
2930 proportional sampling or a minimum of four (4) grab samples where the user demonstrates
2931 that this will provide a representative sample of the effluent being discharged. In addition,
2932 grab samples may be required to show compliance with instantaneous discharge limits.
- 2933 (d) Samples for oil and grease, temperature, Ph, cyanide, phenols, sulfides, and volatile organic
2934 compounds must be obtained using grab collection techniques.
- 2935

2936 ~~(Code 1976, § 6-2079; Ord. No. 97-05, § 1, 3-11-97)~~
2937

2938 **Sec. 25-262. - Accidental spills or drains.**
2939

- 2940 (a) In the case of accidental spills, loss to the drains of any deleterious material or substances,
2941 discharges of a non-routine nature, non-customary batch discharges or slug loads, the user
2942 shall immediately telephone and notify the departmentsewer system provider of the incident.
2943 This notification shall include the time of occurrence, location of discharge, type of waste,
2944 concentration and volume if known and corrective actions taken by the user. The user shall
2945 take all possible actions to prevent a spill, and should a spill occur, shall take immediate
2946 steps to ensure no recurrence of the incident. Industrial users which store or otherwise
2947 handle toxic, hazardous or flammable materials must have an accidental discharge/slug
2948 control plan in place to prevent the discharge, accidental or otherwise, of said materials to
2949 the sewer system.
- 2950 (b) Within five (5) days following such discharge, the user shall submit a detailed written
2951 report, unless waived by the director, describing the cause(s) of the discharge and the
2952 measures to be taken by the user to prevent similar occurrences in the future. Such
2953 notification shall not relieve the user of any expense, loss, damage or other liability which
2954 may be incurred as a result of damage to the POTW, natural resources or any other damage

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this division.

- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in ~~paragraph (a);~~ ~~above~~ subsection (a) of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

~~(Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-263. - Discharge of trucked or hauled wastes.

- (a) Discharge to any public sanitary sewer, appurtenance, or treatment facility of pumped, trucked or hauled wastes from commercial or industrial sources is prohibited. This ban specifically includes the disposal of greases and other grease trap-related wastes from food establishments.
- (b) Discharge of domestic septage is allowable only at the county's authorized septic tank disposal site, located at the Snapfinger Creek Water Pollution Control Plant, in accordance with the following requirements:
- (1) Septic tank pumping companies must register with the DeKalb County Health Department, Division of Environmental Health; have their trucks inspected by that agency; and be issued a permit to Operate.
 - (2) Discharge fees shall be payable by coupons, obtained at the DeKalb County Division of Revenue and License Administration, and presented to the operator at the disposal site. Fees shall be as established by action of the DeKalb County ~~b~~Board of ~~e~~Commissioners.
 - (3) A manifest form must be completed on every septic tank pumped. Copies of the manifests for the septage to be discharged must be presented to the operator at the disposal site. The operator shall have the authority to deny approval for discharge to any load(s) not accompanied by manifests, due to discrepancies with the manifests, or other apparent problems with truck contents.
 - (4) Domestic septage shall be defined as the contents from septic tanks located at single-family residences, DeKalb County school facilities, or the contents of portable toilets.
 - (5) Repeat and/or major violations of these regulations may result in the hauling company being barred from the treatment facility and denied access to disposal in the county's system, in addition to the other fines and penalties cited in this section.

~~(Ord. No. 92-30, 10-13-92; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-264. - Emergency suspensions.

The director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend the user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension the director may take such steps as deemed necessary, including immediate severance of the order, sewer connection, and/or termination of water supply, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the director, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

~~(Ord. No. 97-05, § 1, 3-11-97)~~

~~Sec. 25-265. Title:~~

~~Section 25-265 through section 25-265.21 shall be known as the Fats, Oils, and Greases Regulations of DeKalb County, Georgia.~~

~~(Ord. No. 07-03, Pt. 1, 3-27-07)~~

~~Secs. 25-265 - 25-300. - Reserved.~~

DIVISION 6. - FATS, OILS AND GREASES

Sec. 25-265.1301. - Definitions.

~~For the purposes of this section, certain terms and words are hereby defined~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where words are not herein defined, but are defined in section 1-2, those words shall have the meaning as defined therein. Unless otherwise defined herein, words related to water quality shall be as defined in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation. Unless otherwise defined herein, words related to construction shall be as defined in this Code and in the latest adopted applicable editions of the Georgia codes applicable to building construction adopted pursuant to state law.~~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:~~

- (1) *Architectural or historical restrictions* means a building or structure in ~~DeKalb County~~the city that is one hundred (100) years or older and has special historical or esthetic interest or value.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (2) *Backflow* means a reversal of normal flow in a system caused by a negative pressure (vacuum or partial vacuum) in the supply piping or other condition that reverses the normal direction of flow.
- (3) *Baffle* means a retention wall three-quarters ($\frac{3}{4}$) the length of the chamber nearer to the outlet.
- (4) *Best management practices* means a schedule of activities, a prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the introduction of fats, oils, and greases into the sewer system. These practices may vary by site, but produce the same reductions in fats, oils, and greases in the sewer system.
- (5) *Change in operations* means any change in the ownership, food types, or operational procedures of a food service establishment.
- (6) *Compliance inspector* means a person authorized by ~~DeKalb County~~the city to inspect any existing or proposed wastewater generation, conveyance, processing, and/or disposal facilities.
- (7) *Director* means the director ~~or designee~~ of the ~~DeKalb County Department of Watershed Management~~sewer system provider or his designee.
- (8) *Extreme economic hardship* means a cost to comply with the requirements of these regulations that exceeds fifty thousand dollars (\$50,000.00).
- (9) *Fats, oils, and greases (FOG)* means any substance such as a vegetable or animal product that is used in, or is a byproduct of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.
- (10) *Fixtures* means a pot sink, pre-rinse sink, vegetable sink, meat sink, mop sink, soup kettles, work stations, floor drains, automatic hood wash units, garbage disposals, trash compactors, dishwashers, and any other similarly functioning plumbing fixtures.
- (11) *Flow* means volume of wastewater moving in a certain direction.
- (12) *Flow control device* means a mechanism installed to control flow of hydraulic levels of FOG into an interceptor.
- (13) *FOG* means fats, oils, and greases.
- (14) *FOG control program* means to reduce and/or control the discharge of fats, oils, and grease into the sewer system by educating and regulating food service establishments located in ~~DeKalb County~~the city or establishments located outside ~~DeKalb County~~the city but which discharge FOG.
- (15) *FOG control program manager* means the individual designated by ~~DeKalb County~~the city to administer the FOG control program.
- (16) *FOG interceptor* means a multicompartment device that is constructed in different sizes and is generally required to be located underground between a food service establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.
- (17) *FOG manifest* means a document that the state-permitted transporter must provide to the FOG generator as proof of services rendered.

- (18) *FOG wastewater discharge permit* means a permit issued by DeKalb County authorizing the food service establishment or generator to discharge wastewater into DeKalb County's facilities or into the sewer system.
- (19) *Food Service Establishment (FSE)* means any person who prepares and/or packages food or beverage for sale or consumption, on or off site, with the exception of private residences so long as the private residence is not used to prepare or package food or beverage for sale. Food service establishments include, but are not limited to, food courts; food manufacturers; food packagers; restaurants; catering services; bars/taverns; cafeterias; soda fountains; institutions, both public and private; mobile food vehicles (coach); wing trailers; diners; grocery stores; bakeries; coffee shops; ice cream shops; lounges; hospitals; hotels; nursing homes; churches; schools; daycare center; and all other food service establishments not listed above, either fixed or mobile, as are or may hereafter be recognized by the health department and/or the state department of agriculture.
- (20) *Fresh air system/fixtures* means a system that provides free circulation of air, which will prevent contamination from back flow or back siphonage, e.g. compartment sinks, dishwashers, floor drains, meat sinks, vegetable sinks, work stations, and mop sinks.
- (21) *Generator* means any person including those outside the jurisdictional limits of ~~DeKalb County~~the city who contributes, causes, or permits the contribution or discharge of wastewater into sewers within ~~DeKalb County's~~the city's boundaries.
- (22) *Georgia state permitted transporter* means a transporter as that term is defined by O.C.G.A. § 12-15-20 and as may hereinafter be amended.
- (23) *Grease trap* means an inside mechanism no less than one hundred (100) pounds and no more than three hundred (300) pounds in size, with baffle and flow control installed before the master trap.
- (24) *Hot flushing* means a prohibited situation ~~prohibited in DeKalb County~~ that occurs when the FOG interceptor is too close to a hot-water-using device so the water does not cool sufficiently in the interceptor to allow the FOG to coagulate and float to the top and FOG is instead carried out to the sewer system.
- (25) *Limited food preparation establishment* means an establishment that is engaged only in reheating or serving of ready-to-eat food products and, as a result, discharges wastewater containing less than one hundred (100) mg/L of FOG per operating business day. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.
- (26) *New construction* means any structure, planned or under construction, where a sewer connection permit is required by law or regulation but has not been issued ~~by the county~~.
- (27) *Nonhazardous manifest* means a receipt that is retained by the generator of wastes for disposing of FOG, liquids, or other wastes as required by DeKalb County.
- (28) *Plumbing Drainage Institute rating* means interceptors that are tested, rated, and certified in conformance with Standard Plumbing Drainage Institute— G101 by the Plumbing and Drainage Institute.
- (29) *Regulatory agencies* means those agencies having regulatory jurisdiction over the operations of ~~DeKalb County~~the city including, but not limited to: the United States

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

Environmental Protection Agency, region IV, Georgia and Washington, D.C. (EPA); the Georgia Department of Natural Resources (DNR); the Georgia Division of Public Health; the Georgia Environmental Protection Division (EPD); ~~the county~~DeKalb County; or any regulatory agency or body as may be established by federal, state, or local law.

(30) *Remodeling or remodeled* means a physical change or operational change in a structure that requires an issuance of or revision to a business license or a building permit.

(31) *Septic tank* means a hollow chambered tank without a baffle, T's, and flow control to restrict FOG from entering the ~~county's~~public sewer system.

(32) *Sewer system* means such system as defined in section 25-146151 and as may hereinafter be amended.

(33) *Sewer system provider* means such entity as defined in section 25-151 and as may hereinafter be amended.

(34) *Shovel inspection* means a FOG compliance inspector who uses a shovel to determine the condition of the FOG interceptor.

(35) *Sludge* means any solid, semisolid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

(36) *Sludge judge inspection* means a test in which the FOG compliance inspector uses an instrument, usually a clear hollow plastic tube, to pull and measure a core sample from the FOG interceptor to determine its condition.

(37) *Standard Plumbing Drainage Institute—G101* means a comprehensive engineering and testing program developed to establish flow rates and FOG holding capacity for uniform rating of FOG interceptors.

(38) *Total solids* means the sum of suspended and dissolved solids within a sample.

(39) *Twenty (20) percent rule* means the requirement for FOG interceptors to be maintained such that the combined FOG solids accumulation does not exceed twenty (20) percent of the design hydraulic capacity of the FOG interceptor.

(40) *Visual inspection* means an in-person observation by a FOG compliance inspector to determine if a shovel inspection and/or a sludge judge inspection is necessary to determine the condition of the FOG interceptor.

(41) *Waste* means sewage and any and all other waste substances, liquid, solid, or gaseous, associated with human habitation or of human or animal nature intended for disposal.

(42) *Wastewater constituents and characteristics* means the individual chemical, physical, and bacteriological parameters, including volume and flow rate, and such other parameters that serve to define, classify, or measure the quality and quantity of wastewater.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

~~Sec. 25-265.2302. - Purpose, scope, and policy.~~

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (a) These regulations are designed to facilitate the maximum beneficial public use of ~~DeKalb County's~~the public sewer system while preventing blockages and overflows of sewer system resulting from discharges of FOG into the ~~DeKalb County~~public sewer system and to specify appropriate FOG discharge requirements for all facilities emitting FOG.
- (b) By enactment of these regulations, ~~DeKalb County~~the City intends to exercise its authority over sizing, location, maintenance, and material of grease traps and/or interceptors within ~~unincorporated DeKalb County~~its municipal limits.
- (c) The provisions of these regulations shall apply to the direct or indirect discharge of all wastewater or waste containing FOG discharged into the ~~DeKalb County~~public sewer system.
- (d) These regulations establish quantity and quality standards on all wastewater and/or waste discharges containing FOG; which may alone or collectively cause or contribute to FOG accumulation in the sewer system causing or potentially causing or contributing to the occurrence of sanitary sewer overflows and blockages.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.3~~303 - Transporters of nonhazardous commercial waste.

O.C.G.A. § 12-15-20 et seq. sets forth a permitting scheme for transporters of commercial waste and provides a regulatory method for the clean and sanitary removal of commercial waste. O.C.G.A. § 12-15-23 specifically authorizes counties a local governing authority, such as the City, and its duly authorized agents to enforce compliance with the provisions of the state law described in this section. O.C.G.A. § 12-15-20 et seq. as currently enacted and as may hereinafter be amended, is therefore adopted by reference as if set out fully in this section.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.4~~304 - Best management practices.

- (a) All persons disposing of FOG shall be required to properly dispose of FOG using all of the following best management practices:
- (1) Dispose of FOG in covered collection containers;
 - (2) Place food scraps from dishes into trashcans and garbage bags and dispose of properly;
 - (3) Avoid disposing of food scraps in garbage disposers to help maintain interceptor volume;
 - (4) Allow FOG to cool first before it is skimmed, scraped, or wiped off of all preparation and servicing surfaces;
 - (5) Prewash dishes and pans with cold water before putting them in the dishwasher;
 - (6) Cover the kitchen sink drain with screening and empty debris into the garbage as needed;
 - (7) Cover the floor drain with a fine screen and empty into the garbage can as needed; and
 - (8) Recycle used fryer oil.
- (b) All persons disposing of FOG shall not use any of the following practices when disposing of FOG:
- (1) Pouring FOG down the drain;
 - (2) Putting food scraps down the drain; or

- (3) Running hot water over dishes, pans, fryers, woks, and griddles to rinse FOG down the drain (also known as hot flush).

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.5305~~. - Requirements for interceptor and specific plumbing connections.

- (a) All food service establishments shall only introduce pretreated wastewater acceptable to ~~DeKalb County~~the sewer system provider, under the requirements and standards established herein before discharging, directly or indirectly, into any ~~DeKalb County~~public sewer system.
- (b) No more than one hundred (100) mg/L of FOG shall be discharged per operating business day. The FOG generator shall bear all of the expense of proving compliance with the one-hundred-mg/L threshold.
- (c) Any food service establishment required to provide FOG pretreatment shall install, operate, and maintain an appropriately designed and adequately sized FOG interceptor that has been approved by the ~~chief executive officer or designee~~director.
- (d) The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 ~~(Code of Federal Regulations)~~.
- (e) FOG interceptors shall be connected to the food service establishment's lateral sewer line after all fixtures which may introduce FOG have been connected and shall have fresh air connected, as defined in these regulations. Fresh-air fixtures include, but are not limited to, sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and storage areas, and any other fixtures which have a potential to introduce FOG. Wastewater from sanitary sewer fixtures and other similar fixtures shall not be introduced into the FOG interceptor.
- (f) FOG interceptors shall not be connected to septic tanks.
- (g) All food service establishments that have dumpster pad/trash compactor drains on site and are connected to the sewer system shall have a separate interceptor (no less than one thousand (1,000) gallons in size) installed and functioning at all times. The sloping area to the outside drain and the drain shall be covered either by the dumpster/compactor or a canopy to prevent inflow and infiltration of rainwater.
- (h) Any drains that lead to the sewer system including, but not limited to, trench drains, enclosed dock drains, carwash drains, elevator drains, and other similar types of drains shall have an oil-water debris interceptor of no less than one thousand (1,000) gallons and no more than three thousand (3,000) gallons in capacity.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.6306~~. - FOG interceptor physical specifications/requirements.

- (a) All interior FOG interceptors shall:
- (1) Be a minimum of one hundred (100) pounds in capacity as defined by the Plumbing Drainage Institute;
 - (2) Be made of corrosion-resistant coated metal;
 - (3) Be properly sized based on the results of an inspection and FOG evaluation;

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (4) Contain properly installed and functioning baffle walls and other flow control devices necessary to achieve the appropriate retention time;
- (5) Have at least a thirty-minute interior retention time before gray water is discharged into the sewer system;
- (6) Tie all of the fresh air fixtures to the FOG interceptor;
- (7) Have fifteen-foot distance between the FOG interceptor and the last fresh air fixture and have a proper flow control device;
- (8) Have a temperature of discharge entering the interior FOG interceptor that does not exceed one hundred forty (140) degrees Fahrenheit; and
- (9) ~~Be~~Have a Plumbing Drainage Institute ~~rated~~ed, be accessible for inspection, and be installed in accordance with the manufacturer's specifications by a licensed plumber and not a representative and/or an apprentice of the licensed plumber.
- (b) All exterior FOG Interceptors shall:
- (1) Be a minimum of one thousand (1,000) gallons in capacity;
- (2) Be properly sized based on the results of an inspection and FOG evaluation;
- (3) Be constructed of re-enforced materials suitable for load bearing and water tight to prevent inflow and infiltration;
- (4) Be precast with a minimum of three thousand (3,000) psi concrete per applicable American Society for Testing and Materials standards with four (4) to seven (7) percent air entrapment;
- (5) Have an invert elevation of the inlet between three (3) inches to six (6) inches above the invert elevation of the outlet;
- (6) Contain a properly installed and functioning baffle wall and other flow control devices necessary to achieve an adequate time for FOG to properly separate but not to exceed twenty-four (24) hours;
- (7) Contain inlet and outlet T's made of schedule 40 PVC piping and at a ninety-degree angle with a minimum diameter of the inlet and outlet piping to be six (6) inches;
- (8) Include the outlet T six (6) inches from the manhole cover;
- (9) Include T piping of the inlet and outlet that is within eighteen (18) inches of the bottom and at least five (5) inches above the static liquid level of the tank;
- (10) Have the FOG interceptor set level on a consolidated, stable base so that no settling or tipping of the FOG interceptor can occur;
- (11) Connect all of the fresh-air fixtures to the FOG interceptor;
- (12) Have the outlet discharge line from the FOG interceptor directly connected to a sewer line tapped into the collection main;
- (13) Have solid manhole covers to prevent inflow and infiltration;
- (14) Have two (2) or more manholes for entry to each chamber of hydraulic liquid mass;
- (15) Be accessible for inspections and have no permanent or temporary structure or container placed directly over the FOG interceptor or installed in areas subject to traffic; and
- (16) Be installed by a licensed plumber.
- (c) The contents of any fryer-oil containers shall not be mixed with any other FOG interceptor waste or any other no-toxic or toxic substances.

(Ord. No. 07-03, Pt. 1, 3-27-07)

Sec. 25-~~265.7307~~. - Maintenance requirements for new and existing FSE's.

- (a) *Depth of FOG.* The depth of FOG (floating and settled) in the FOG interceptor shall not be equal to or greater than twenty (20) percent of the total operating depth of the interceptor.
- (b) *General requirements for FOG interceptors.* In order to maintain FOG interceptors, all food service establishments shall remove the sludge, floating materials, solids, and wastewater, and shall scrape all excessive solids from the walls, floor, baffles, and all pipe work and shall pump interior and exterior FOG interceptors dry as set forth in these regulations and as required by the terms and conditions of the permit.
- (1) FOG interceptors shall be kept free from any inflow/infiltration such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., as such inflow reduces the effectiveness of the FOG interceptor; thereby increasing the need for more frequent cleaning.
 - (2) To insure that the FOG interceptor can be maintained properly, the FOG interceptor needs to be free from any obstruction that would hinder the maintenance, function, and inspection of the interceptor.
 - (3) A Georgia ~~S~~state ~~P~~permitted ~~T~~ransporter shall perform all maintenance of FOG interceptors. All Georgia ~~S~~state ~~P~~permitted ~~T~~ransporters working in ~~unincorporated DeKalb County~~in the municipal limits of the City shall have an active Georgia ~~W~~waste ~~T~~ransporter's ~~P~~permit and a DeKalb County ~~T~~ransporters ~~P~~permit in the manner and form set forth by O.C.G.A. § 12-15-20 et seq. Transporters working in ~~DeKalb County~~the municipal limits of the City are required to leave a copy of a nonhazardous waste manifest with the food service establishment. Maintenance schedules may vary based on individual circumstances to protect the sewer system.
 - (4) The FOG compliance inspector has the authority to change the FOG interceptors cleaning cycles for any FOG generator at any time.
 - (5) The discharge or introduction of any additives to the sewer system is unlawful and prohibited. The direct introduction of additives into the FOG interceptor is prohibited. Additives include but are not limited to biological agents such as enzymes, bacteria, and/or degreasing agents.
 - (6) The FOG generator shall be responsible for the proper removal and disposal of the FOG interceptor waste by a Georgia ~~S~~state ~~P~~permitted ~~W~~waste ~~T~~ransporter and maintenance of records of disposal as specified in this section. All waste removed from each FOG interceptor must be disposed of at an appropriate disposal facility designed to receive such waste.
 - (7) No FOG interceptor pumpage shall be discharged to the sewer system as otherwise prohibited in these regulations.
 - (8) Every FOG interceptor shall be required to have a Georgia ~~N~~nonhazardous ~~W~~waste ~~M~~manifest. The Georgia ~~N~~nonhazardous ~~W~~waste ~~M~~manifest must be complete with all information required by these regulations and state law.
 - (9) Mechanical FOG interceptors are prohibited in ~~DeKalb County~~the municipal limits of the City.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (c) *Exterior FOG interceptors.* Maintenance of exterior FOG interceptors shall be performed at least once every ninety (90) days. Skimming, decanting, and/or any reintroduction of water into exterior FOG interceptors shall not be allowed under any conditions.
- (d) *Interior FOG interceptors.* Interior FOG interceptors maintenance shall be performed once every thirty (30) days, and all of the fresh air and/or safe-way plumbing fixtures shall be connected. In-house cleaning of interior FOG interceptors is prohibited. To insure proper FOG interceptor maintenance, interior FOG interceptors shall be free from any obstruction that would hinder the maintenance of the interceptor. Interior FOG interceptors shall be easily accessible with a minimum clearance of thirty-six (36) inches.
- (e) *Interior and exterior FOG interceptor records.* All food service establishments shall maintain records of the date and time of all cleaning and maintenance. Every FOG interceptor manifest shall be placed in a logbook, folder, or three-ring notebook. This book shall be made available on demand by the FOG compliance inspector during inspection. All records of at least three (3) years shall be kept on site and available. These records shall include:
- (1) A logbook of FOG interceptor and/or FOG control device cleaning and maintenance;
 - (2) A record of best management practices being implemented, including employee training;
 - (3) Copies of records and manifests of waste transporting interceptor contents;
 - (4) Records of any spills and/or cleaning of the lateral sewer line; and
 - (5) Records of sampling data and sludge height monitoring for FOG and solids accumulation in the FOG interceptors.

(Ord. No. 07-03, Pt. I, 3-27-07)

Sec. 25-~~265.8308~~. - Notification of spills by the food service establishment.

- (a) In the event that any food service establishment is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the food service establishment has reasonable opportunity to know that his/her/its discharge shall exceed the discharge provisions of the FOG wastewater discharge permit or these regulations, the food service establishments shall immediately notify the FOG control program manager or his designee by telephone at the number specified in the permit. If the material discharged to the sewer has the potential to cause or result in sewer blockages or sanitary sewer overflows, the food service establishment shall immediately notify the FOG control program manager or his designee by telephone at the number specified in the permit and the Director of the DeKalb County Health Department or his designee orally or by telephone at the published numbers for such departments.
- (b) All food service establishments shall provide written notification of this oral or telephonic notification to the FOG control program manager at the address specified in the permit no later than five (5) working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to immediately correct the problem, and what steps are being taken to prevent the problem from recurring.
- (c) Such notification shall not relieve a food service establishment of any expense, loss, damage, or other liability which may be incurred as a result of damage or loss to DeKalb

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

~~County~~The City or any other damage or loss to person or property; nor will such notification relieve a food service establishment from payment of any fees or imposition of any other liability which may be authorized by these regulations or other applicable law.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.9309~~. - FOG wastewater discharge permit – Required; Issuance.

- (a) Food service establishments proposing to discharge or currently discharging wastewater that contains FOG into the ~~DeKalb County~~public sewer system shall obtain a FOG wastewater discharge permit annually or cease ongoing operation until such permit is obtained. In addition to any other penalties authorized by law, failure to obtain such a permit shall subject the food service establishment to the potential of the disconnection of water service, until such permit is obtained.
- (b) FOG wastewater discharge permits shall be subject to all provisions of these regulations and all other regulations, charges for use, and fees established by DeKalb County. ~~DeKalb County~~The City or its designee, in accordance with these regulations and applicable law, shall have the authority to enforce the conditions of FOG wastewater discharge permits.
- (c) The FOG wastewater discharge permit shall be issued upon:
- (1) Receipt of a complete application,
 - (2) Compliance with these regulations,
 - (3) Compliance with the applicable provisions of this Code, and
 - (4) The proper installation and maintenance of a FOG interceptor that complies with the applicable provisions of this Code.
- (d) In the event that the food service establishment complies with the applicable provisions of these regulations, a permit will be issued or denied within thirty (30) days of compliance with this section. If the permit is not issued or denied within the time frame specified herein, the permit shall be deemed issued and approved.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.10310~~ - FOG wastewater discharge permit – Application.

- (a) All food service establishments are required to obtain a FOG wastewater discharge permit and shall complete and file with ~~DeKalb County~~the sewer system provider prior to commencing or continuing discharges, an application for a wastewater discharge permit in a form prescribed by ~~DeKalb County~~the sewer system provider along with any applicable fees. The applicant shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address, telephone number, assessor's parcel number(s), description of the food service establishment, operation, cuisine, service activities, and, as applicable, clients using the applicant's services;
 - (2) Whichever is applicable, the name and address of any and all principals/owners/major shareholders of the food service establishment, articles of incorporation, most recent

report of the secretary of state, and a copy of the owner's business license occupation tax certificate;

- (3) Name and address of property owner or lessee and the property manager for the property where the food service establishment is located; and
- (4) Any other information specified in the application form.
- (b) Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control devices, FOG interceptors, or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- (c) Other information related to the applicant's business operations and potential discharge may be requested to properly evaluate the permit application.
- (d) After evaluation of the data furnished, DeKalb County the sewer service provider may issue a FOG wastewater discharge permit, subject to the terms and conditions set forth in these regulations and as otherwise determined by the FOG control program manager to be appropriate to protect DeKalb County's the public sewer system.
- (e) The FOG wastewater discharge permit and application fee shall be paid by the applicant in an amount adopted by action of the governing authority. Payment of the application permit fee must be received by DeKalb County the sewer service provider at the time of filing the application for the permit. A food service establishment shall also pay any delinquent invoices in full prior to any permit renewal.
- (f) An application shall not be considered complete until all the information required by this section is provided to the FOG control program manager or designee. The FOG control program manager shall have fifteen (15) business days from receipt of such information to advise a food service establishment that an application is not complete.

(Ord. No. 07-03, Pt. I, 3-27-07)

Sec. 25-~~265.41~~311. - FOG wastewater discharge permit conditions.

The issuance of a FOG wastewater discharge permit may contain any of the following conditions or limits:

- (a) Limits on discharge of FOG (one hundred (100) mg/L), which may cause or contribute to sanitary sewer overflows and/or sewer blockages;
- (b) Requirements for proper operation and maintenance of FOG interceptors and other FOG control devices;
- (c) FOG interceptor maintenance frequency and schedule;
- (d) Requirements for implementation of best management practices and installation of adequate FOG interceptor and/or FOG control device;
- (e) Requirements for maintaining and reporting status of best management practices;
- (f) Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests;
- (g) Requirements to self-monitor the discharge to the sewer system and periodically assess and report on the condition of the sewer lateral;
- (h) Requirements for the food service establishment to construct operate and maintain, at its own expense, a FOG control device(s) and sampling facilities;

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (i) Additional requirements as otherwise determined to be reasonably appropriate by the FOG control program manager to protect ~~DeKalb County's~~ the public sewer system or as specified by other regulatory agencies; and
- (j) Other terms and conditions which may be reasonably applicable to ensure compliance with these regulations.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.123~~12. - FOG wastewater discharge permit - ~~m~~Modification of terms and conditions.

- (a) The terms and conditions of an issued permit may be modified by the FOG control program manager if there is a change in:

- (1) The generator's current or anticipated operating data;
- (2) ~~DeKalb County~~ The sewer system provider's current or anticipated operating data;
- (3) The requirements of regulatory agencies which affect ~~DeKalb County~~ the sewer system provider; or
- (4) A determination by the FOG control program manager and his or her designee that such modification is required to comply with the provisions of these regulations.

- (b) The food service establishment may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change and the reasons for the change. The FOG control program manager shall review the request, make a determination on the request, and respond in writing within thirty (30) days of receipt of the request.

- (c) The food service establishment shall be informed of any change in the permit limits, conditions, or requirements at least forty-five (45) days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, not to exceed forty-five (45) days.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.133~~13. - Permits for new and existing facilities, grandfathering, and effective date.

- (a) *New facilities.* Food service establishments which are newly proposed, constructed, or existing facilities which will be expanded or renovated, shall be required to install a properly sized FOG interceptor according to the requirements set forth in these regulations and such FOG interceptors shall be permitted and installed prior to the issuance of a certificate of occupancy for the food service establishment.
- (b) *Existing facilities.* ~~DeKalb County~~ The City and the sewer system provider requires all existing food service establishments to install, operate, and maintain a FOG interceptor that complies with the requirements set forth in these regulations. All food service establishments shall repair or replace any ~~noncomplaint~~ ~~[noncompliant]~~ plumbing or the existing FOG interceptor within ninety (90) days of written notification by ~~DeKalb~~

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

~~County~~the sewer system provider if any one or more of the following conditions exist or occur:

- (1) The facility is found to produce any product that creates FOG as a byproduct;
- (2) The facility does not have a FOG interceptor;
- (3) The facility has an undersized, irreparable, improperly configured, or defective FOG interceptor;
- (4) Remodeling of the food preparation or kitchen waste plumbing system is performed which requires a plumbing permit to be issued the applicable authority by DeKalb County;
- (5) The existing facility is sold or undergoes a change of ownership or expansion;
- (6) The existing facility does not have plumbing connection to a FOG interceptor in compliance with the requirements of ~~DeKalb County~~the sewer system provider; or
- (7) If a food service establishment changes its business name.

(c) *Grandfathering.* If an existing food service establishment is housed in a structure that because of its architectural or historical restrictions the owner will suffer extreme economic hardship in order to upgrade the existing FOG interceptor, then the establishment may keep the current FOG interceptor in place provided that all fresh-air fixtures must be tied into the current FOG interceptor, and the FOG interceptor must be at least fifteen (15) feet from the last fresh-air fixture. Additionally, the FOG interceptor must be cleaned every ten (10) days by a Georgia State Permitted Transporter. In the event that any remodeling of such a food service establishment is undertaken or if the food service establishment changes ownership, then a FOG interceptor that complies with all applicable requirements of this eCode shall be installed.

(d) *Notification of planned changes.* All food service establishments shall notify the FOG compliance manager at least ninety (90) days in writing in advance prior to any change of ownership, facility expansion/remodeling, or process modifications that may result in new or substantially increased FOG discharges or a change in the nature of the discharge. All food service establishments shall submit any information requested by ~~DeKalb County~~the sewer system provider for evaluation of the effect of such expansion on the ~~f~~Food service establishment's FOG discharge to the sewer system.

~~(e) *Effective date.* These regulations shall not become fully effective until eighteen (18) months after their adoption by the board of commissioners and approval by the chief executive officer. During this eighteen-month period, the chief executive officer or designee shall promulgate a written policy to ensure that all existing food service establishments in DeKalb County come into compliance with and obtain the necessary permits required by these regulations. The delayed effective date of these regulations is designed to allow a staggered schedule of inspections and permitting such that all existing food service establishments in DeKalb County are in compliance with and have obtained the required permits on or before the expiration of the eighteen (18) months described in this section. During this eighteen-month period, food service establishments shall comply with the inspection and permitting staggered schedule promulgated by the chief executive officer and if in compliance with~~

~~such staggered schedule, such food service establishments shall not be subject to citation for failure to be in compliance with these regulations or for failure to have obtained the required permit(s) delineated in these regulations. After the expiration of this eighteen-month period, all existing and newly constructed or remodeled food service establishments shall comply with all applicable requirements of this chapter. These regulations shall become effective immediately upon adoption for all new and existing food service establishments and subject to the written policy promulgated by the sewer system provider.~~

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.14~~314. - FOG wastewater discharge permit duration and renewal.

FOG wastewater discharge permits shall be issued annually. At least thirty (30) days prior to the expiration of the permit, the user shall apply for renewal of the permit in accordance with the provisions of ~~chapter 25 article 3 of this Code~~Article III of this Chapter.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.15~~315. - Exemption from FOG wastewater discharge permit.

A limited food preparation establishment is not considered a food service establishment and is exempt from obtaining a FOG wastewater discharge permit.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.16~~316. - Nontransferability of permits and fees.

- (a) FOG wastewater discharge permits issued under these regulations are for a specific food service establishment, for a specific operation, and create no vested rights.
- (b) No permit holder shall assign, transfer, or sell any FOG wastewater discharge permit issued under these regulations nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit.
- (c) A permitting fee that covers the administrative costs of ~~DeKalb County~~the sewer system provider for administering the FOG program shall be established by action of the governing authority and assessed to each facility subject to these regulations.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.17~~317. - Payment of charges.

All fees established by these regulations are due and payable upon receipt of notice thereof. Accounts shall become delinquent if not paid within thirty (30) days of the date of mailing, or if personally delivered, the date of delivery. Any invoice outstanding and unpaid after ninety (90)

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.

(Ord. No. 07-03, Pt. I, 3-27-07)

Sec. 25-265.18318. - Inspections and authority to enforce regulations.

(a) *Authority to inspect.* The compliance inspectors shall inspect food service establishments on both an unscheduled and unannounced basis or on a scheduled basis. All food service establishments may be inspected up to four (4) times per year. Inspection of a FOG interceptor shall be performed at frequencies necessary to protect the capacity of the sewer system against the accumulation of FOG in an amount that would exceed the twenty (20) percent rule. Inspection shall include all fixtures, equipment, food processing, and storage areas, and shall include a review of the processes that produce wastewater discharged from a facility through the FOG interceptor. Any deficiencies shall be noted, including but not to be limited to:

- (1) Failure to report changes in operations or wastewater constituents and characteristics;
- (2) Failure to properly maintain the FOG interceptor;
- (3) Failure to maintain logs, files, records, or access for inspection or monitoring activities;
- (4) Failure to obtain or renew the FOG discharge permits in a timely manner; or
- (5) Any other violations of these regulations or state law that requires correction by the food service establishment.

(b) *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of these regulations or where the FOG control program manager or designee has reasonable cause to believe that there exists in a building or structure or upon a premises a condition which is contrary to or in violation of the applicable provisions of this Code, the FOG control program manager or designee is authorized to enter the building, structure or premises at reasonable times to inspect or perform any of the duties imposed by the applicable provisions of this Code. If such building, structure, or premises is occupied, the inspector shall present credentials to the occupant and shall request entry. If such building, structure, or premises is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the building, structure, or premises and request entry. If entry is refused, the inspector shall have recourse to the remedies provided by law for entry. In the event of an emergency involving actual or imminent sanitary sewer overflow, the inspector may access adjoining businesses or properties that share a sewer system with a food service establishment in order to prevent or remediate an actual or imminent sewer overflow.

(Ord. No. 07-03, Pt. I, 3-27-07)

Sec. 25-265.19319. - Noncompliance fees, letters, and schedules.

(a) *Reinspection fee.* Any food service establishment in noncompliance with the terms and conditions specified in its permit or with any provision of these regulations shall pay a noncompliance fee. The purpose of the noncompliance fee is to compensate ~~DeKalb County~~the City and/or the sewer system provider for costs of additional inspections, followups, sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the noncompliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to these regulations. Noncompliance fees shall be in the amount adopted by action of the governing authority.

(eb) *Noncompliance Letters.* Immediately following every inspection and/or FOG evaluation, the food service establishment inspected shall receive a letter indicating the results of the inspection. A certified letter of noncompliance means the food service establishment is in violation of the applicable provisions of this Code. Letters of noncompliance shall include a description of the code section being violated and the immediate course of action the food service establishment shall be required to take to come into compliance. Failure to comply with a letter of non-compliance is also a violation of these regulations.

(ec) *Compliance schedule.* Upon determination that a food service establishment is noncompliant with the terms and conditions specified in its permit or any provision of these regulations or needs to construct and/or acquire and install a FOG interceptor, the FOG control program manager may also issue and require the food service establishment to abide by a compliance schedule. The issuance of a compliance schedule may contain terms and conditions including, but not limited to, requirements for installation of a FOG interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with these regulations.

(ed) *Fees.* The FOG control program manager shall not issue a compliance schedule until such time as all amounts owed by the food service establishment to DeKalb County, due are paid in full. If compliance is not achieved in accordance with the terms and conditions of a compliance schedule, the FOG control program manager may issue an order suspending or revoking the FOG wastewater discharge permit.

(Ord. No. 07-03, Pt. I, 3-27-07)

Sec. 25-~~265.20320~~. - Permit suspension and revocation.

(a) *Permit suspension and revocation.* The FOG control program manager may suspend or revoke any permit when it is determined that a food service establishment:

- (1) Fails to comply with the terms and conditions of a noncompliance letter or compliance schedule order;
- (2) Destroys, removes, conceals, or knowingly provides a false statement, representation, record, report, or other document to ~~DeKalb County~~the City or the sewer service provider;

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

(3) Refuses to provide records, reports, plans, or other documents required by ~~DeKalb County~~the City or the sewer service provider to determine permit terms or conditions, discharge compliance, or compliance with these regulations;

(4) Falsifies, tampers with, destroys, or knowingly renders inaccurate any monitoring device or sample collection method;

(5) Does not make timely payment of all amounts owed to ~~DeKalb County~~the City and/or the sewer service provider for user charges, permit fees, or any other fees imposed pursuant to these regulations;

(6) Causes interference, a sewer blockage, or a sanitary sewer overflow in the sewer system, violates FOG interceptor maintenance requirements, violates any condition or limit of its FOG wastewater discharge permit, or violates any provision of these regulations; or

(7) Refuses to accept a notice by personal service or certified mail.

(b) *Notification.*

(1) When the FOG control program manager has reason to believe that grounds exist for permit suspension or revocation, he/she shall give written notice thereof by certified mail to the food service establishment setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the director. The hearing date shall be not less than fifteen (15) calendar days or more than forty-five (45) calendar days after the mailing of such notice.

(2) At the suspension or revocation hearing, the food service establishment shall have an opportunity to respond to the allegations set forth in the notice by presenting written or oral evidence. The hearing shall be conducted in accordance with written procedures established by the director. The director shall conduct the hearing and shall render a decision in writing within thirty (30) calendar days after the conclusion of the hearing.

(3) The written decision and order of the director shall be sent by certified mail to the food service establishment at the food service establishment's business address. Upon an order of suspension or revocation by the FOG control program manager becoming final, the food service establishment shall immediately cease and desist its discharge and shall have no right to discharge any wastewater containing FOG directly or indirectly into ~~DeKalb County's~~the public sewer system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the food service establishment. Any owner or responsible management employee of the food service establishment shall be bound by the order of suspension or revocation. Upon an order of revocation by the FOG control program manager becoming final, the food service establishment shall permanently lose all rights to discharge any wastewater containing FOG directly or indirectly to ~~DeKalb County's~~the public sewer system. All costs for physical termination shall be paid by the food service establishment.

(4) An order of permit suspension or revocation issued by the FOG control program manager shall be final in all respects on the sixteenth day after it is mailed to the food service establishment.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (c) *Damage to facilities or interruption of normal operations of the sewer system.* Any person who discharges any waste which causes or contributes to any sewer blockage, sanitary sewer overflows, obstruction, interference, damage, or any other impairment to ~~DeKalb County's~~ the public sewer system and/or equipment, or to the operation of those facilities and/or equipment shall be liable for all costs required to clean and/or repair the facilities and/or equipment, together with expenses incurred by ~~DeKalb County~~ the City and/or the sewer system provider to resume normal operations. A service charge of twenty-five (25) percent of ~~DeKalb County's~~ the costs incurred by the City and the sewer system provider shall be added to the costs and charges to reimburse ~~DeKalb County~~ for miscellaneous overhead, including administrative personnel and recordkeeping. The total amount shall be payable within forty five (45) days of invoicing ~~by DeKalb County~~. Any person who discharges a waste which causes or contributes to ~~DeKalb County~~ the City and/or the sewer system provider violating ~~its~~ the discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities and/or equipment shall be liable for any costs or expenses incurred by ~~DeKalb County~~ the City and/or the sewer system provider, including regulatory fines, penalties, and assessments made by other agencies or a court.
- (d) *Termination of water service to the food service establishment.* ~~DeKalb County~~ The City, the sewer system provider and/or the water system provider, by order of the FOG control program manager, may physically terminate water service to any property as follows:
- (1) If so ordered in any order of suspension or revocation of a permit; or
 - (2) Upon the failure of a person not holding a valid FOG Wastewater discharge permit to immediately cease the discharge, whether direct or indirect, to ~~DeKalb County's~~ the public sewer system after the issuance of a final order or suspension or revocation.
 - (3) All costs for physical termination of the water service shall be paid by the owner or operator of the food service establishment as well as all costs for reinstating service.
- (e) *Emergency suspension order.* ~~DeKalb County~~ The City, the sewer system provider and/or the water system provider may, by order of the FOG control program manager or designee, suspend water service when the FOG control program manager or designee determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause sanitary sewer overflows, sewer blockages, interference to ~~DeKalb County's~~ the public sewer facilities, or may cause ~~DeKalb County~~ the City, the sewer system provider or the water service provider to violate any state or federal law or regulation. Any discharger notified of and subject to an emergency suspension order shall immediately cease and desist the discharge of all wastewater containing FOG to the sewer system.
- (f) *Emergency suspension hearing.* As soon as reasonably practicable following the issuance of an emergency suspension order, but in no event more than five (5) business days following the issuance of such order, the director shall hold a hearing to provide a food service establishment the opportunity to present information in opposition to the issuance of the emergency suspension order. Such a hearing shall not stay the effect of the emergency

suspension order. The hearing shall be conducted in accordance with written procedures established by the director. The director shall issue a written decision and order within two (2) business days following the hearing, which decision shall be sent by certified mail to the food service establishment at that food service establishment's business address. This decision shall either lift the emergency suspension order or suspend or revoke the permit subject to the suspension and revocation appeal process set forth in these regulations.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Sec. 25-~~265.21321~~. - Criminal penalties.

- (a) Any person that does anything prohibited or fails to do anything required by these regulations, upon citation and conviction of the violation in a court of competent jurisdiction, shall be subject to the penalties in accordance with section 1-~~4011~~ of this Code. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (b) Upon a second and subsequent conviction within a twelve-month period, measured from the date of the first conviction, of any violation of these regulations, the court shall impose a fine of not less than five hundred dollars (\$500.00) in addition to any other penalty or punishment imposed by the court.
- (c) Upon a third and subsequent conviction within a twelve-month period measured from the date of the first conviction of any violation of these regulations, the court shall impose a fine of not less than one thousand dollars (\$1,000.00) in addition to any other penalty or punishment imposed by the court.
- (d) The penalties provided in this section are not cumulative and shall not prohibit ~~DeKalb County~~the City or the sewer system provider from pursuing any other civil or criminal remedies authorized by this Code or any provision of City, DeKalb County, state or federal law, state, or federal law.

~~(Ord. No. 07-03, Pt. I, 3-27-07)~~

Secs. ~~25-266—25-275~~25-322 – 25-350. - Reserved.

DIVISION ~~67~~. - RATES AND CHARGES

Sec. 25-~~276~~351. - Levied.

A service charge is levied and assessed for the operation and maintenance of the sewer system. This charge is based on the amount of potable water consumed per month by each contributor to the sewer system. The rate at which this charge is levied shall be as established by action of the board of commissioners, a copy of which is on file in the office of the clerk of the board of commissioners. The charges imposed by this article may be periodically revised at the discretion of the board of commissioners. A readiness-to-serve charge is imposed for the operation of the sewer system based on the size of the customer's water meter. A surcharge for

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

overstrength waste, i.e., wastes consisting of total suspended solids and/or five-day biochemical oxygen demand materials in concentrations exceeding 250 mg/l, ammonia in concentrations exceeding 30 mg/l, and total phosphorus exceeding 10 mg/l, is levied at a rate approved and adopted by the ~~board of commissioners~~ City or the governing authority of the sewer service provider.

~~(Code 1976, § 6-2011; Ord. No. 97-05, § 1, 3-11-97)~~

Sec. 25-~~277~~352. - Billing.

The ~~finance department~~ sewer system provider shall prepare for each contributor to the sewerage system a monthly or bimonthly notice of the amount due. This notice shall be addressed and mailed to the address as designated by the owner or occupant of the property. Payment is due in full ten (10) days from date notice is mailed, and shall be in default if not paid on or before the twentieth day after the date of the notice. Failure to receive the notice in no way relieves the occupant of liability for the amount due.

~~S(Code 1976, § 6-2012)~~

Sec. 25-~~278~~353. - Collection.

The ~~finance department~~ sewer system provider shall be responsible for the collection of all sewer service charges. It shall have deposited to the account of the water and sewer fund of the ~~county~~ sewer system provider all sums collected for water and sewer services as soon as received.

~~(Code 1976, § 6-2013)~~

Sec. 25-~~279~~354. - Disconnection of service for failure to pay.

If payment has not been received twenty (20) calendar days after the date of the notice of amount due for sewer services, a default notice shall be sent to the occupant of the property. If payment is not received within ten (10) days after the date of the default notice, then the ~~finance department~~ sewer system provider shall initiate action to terminate water service until such time as all sums due for sewer service, including penalties, are paid in full.

~~(Code 1976, § 6-2014)~~

Sec. 25-280. —Reserved.

~~Editor's note—Ord. No. 95-07, § 1, adopted May 23, 1995, repealed § 25-280, which pertained to liability of owner for failure of occupant to pay. See the Code Comparative Table.~~

Sec. 25-~~281~~355. - Right of ~~county~~ to tax for benefit of sewer system.

Nothing in this article shall be construed as limiting the right of the ~~board of commissioners~~City or the governing authority of the sewer system provider to exercise its right as authorized by law to create, operate and maintain the sewerage system through the imposition of ad valorem taxation.

~~(Code 1976, § 6-2016)~~

Sec. 25-~~282~~356. - Discharges to sewer system by persons or governments residing outside the ~~county~~City.

No persons or governments residing or operating outside the limits of the ~~county~~City shall discharge or cause to be discharged any material into the ~~sanitary~~public sewer system ~~of the county~~ without the prior approval of the ~~board of commissioners~~sewer system provider.

~~(Code 1976, § 6-2017)~~

Secs. ~~25-283—25-300~~25-357—25-375. - Reserved.

DIVISION 78. - PHOSPHORUS CONTROL

Footnotes:

~~— (6) —~~

~~Editor's note— Ordinance No. 89-21, adopted May 23, 1989, did not specifically amend this Code; hence, inclusion of § 1 as Art. IV, Div. 7, §§ 25-301—25-306, was at the discretion of the editor.~~

Sec. 25-~~301~~76. - Declaration of policy.

O.C.G.A. section 12-5-27.1 provides that whenever a local government entity is required by the environmental protection division to reduce phosphorus in its wastewater being discharged into the waters of the state, such local government entity shall pass an ordinance mandating the retail sale of low phosphorus household laundry detergent as part of its phosphorus reduction process. It is hereby declared to be the public policy of the ~~county~~City to encourage the use of clean phosphate-free household laundry detergents and to prohibit the sale of household laundry detergents which contain more than five-tenths (0.5) percent phosphorus by weight. The ~~county~~City finds that such use and sale will be a cost-effective way to reduce the amount of phosphorus in wastewater discharge so as to protect Georgia's rivers and lakes downstream; promote health, safety, and welfare; and prevent injury to human health, plant and animal life, and property. It is vital to the health, well-being, and welfare of present and future inhabitants of the ~~county~~City that these sources be protected against contamination and pollution.

~~(Ord. No. 89-21, § 1, 5-23-89)~~

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

Sec. 25-~~302~~377. - Definitions.

~~The following definitions shall apply in the interpretations and enforcement of this division:~~
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning.

(1) *Household laundry detergent.* A laundering cleaning compound in liquid, bar, spray, tablet, flake, powder, or other form used for domestic clothes-cleaning purposes. The term "household laundry detergent" shall not mean:

(~~4~~a) A dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, or other substance that is intended to be used for nonlaundry cleaning purposes;

(~~2~~b) A detergent used in dairy, beverage, or food processing cleaning equipment;

(~~3~~c) A phosphorus acid product, including a sanitizer, brightener, acid cleaner, or metal conditioner;

(~~4~~d) A detergent used in hospitals, veterinary hospitals or clinics, or health care facilities or in agricultural production;

(~~5~~e) A detergent used by industry for metal cleaning or conditioning;

(~~6~~f) A detergent manufactured, stored, or distributed for use or sale outside of the state;

(~~7~~g) A detergent used in any laboratory, including a biological laboratory, research facility, chemical laboratory, and engineering laboratory; or

(~~8~~h) A detergent used in a commercial laundry that provides laundry services for hospitals, health care facilities, or veterinary hospitals.

(2) *Person.* The term "person" shall mean any person, firm, partnership or corporation.

(3) *Phosphorus.* The term "phosphorus" shall mean elemental phosphorus.

~~(Ord. No. 89-21, § 1, 5-23-89)~~

Sec. 25-~~303~~378. - Sales prohibited.

It shall be unlawful for any person to sell at the retail level a household laundry detergent which contains greater than five-tenths (0.5) percent phosphorus by weight and is intended to be used for domestic clothes-cleaning purposes.

~~(Ord. No. 89-21, § 1, 5-23-89)~~

Sec. 25-~~304~~379. - Penalties for violation.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

Any person who violates any provision of this division shall be subject to a fine not to exceed the maximum fine allowed under this Code. Each sales transaction shall constitute a separate offense.

~~(Ord. No. 89-21, § 1, 5-23-89)~~

Sec. 25-~~305~~380. - Civil action.

In addition to the penalty provided in section 25-~~304~~379 above, the ~~county~~City may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this division.

~~(Ord. No. 89-21, § 1, 5-23-89)~~

Sec. 25-~~306~~381. - Individual right to damages.

Nothing in this division shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property arising out of a violation of this division and to maintain any action or other appropriate proceeding thereof.

~~(Ord. No. 89-21, § 1, 5-23-89)~~

Secs. ~~25-307~~ — ~~25-359~~25-382 – 25-400. - Reserved.

ARTICLE V. - STORMWATER UTILITY

Sec. 25-~~360~~401. - Findings.

~~The board of commissioners of DeKalb County, Georgia makes the following findings:~~

~~(a)-~~

~~(b) The federal Clean Water Act, as amended by the Water Quality Act of 1987 (33 U.S.C. 1251 et seq.), and rules promulgated by the United States Environmental Protection Agency pursuant to the Act emphasizes the role of local governments in developing, implementing, conducting and funding stormwater programs which address water quality impacts of storm water runoff.~~

~~(c) Stormwater management services and facilities will assist the county in meeting the regulatory obligations imposed by its national pollutant discharge elimination system (NPDES) permit by reducing pollution and increasing water quality within the county.~~

~~(d) DeKalb County presently owns and operates stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater systems owned and operated by the county, and of additions and~~

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

improvements thereto, rests on the ability of the county to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities in DeKalb County in concert with the management of other water resources in the county. In order to do so, the county must have adequate and stable funding for its stormwater management program's operating needs and capital.

(e) Stormwater management services and facilities are needed throughout the unincorporated areas of DeKalb County because most of those areas are developed. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the unincorporated area of DeKalb County is consistent with the present and future needs of the community.

(f) The provision of stormwater management services and facilities in DeKalb County promotes an essential regulatory purpose by controlling where stormwater runoff flows and how it is disposed, and thereby reducing flooding, erosion and water pollution caused by stormwater runoff.

(g) Stormwater management services and facilities will provide a specific service to property owners by assisting in the property owner's legal obligation to control stormwater runoff from their property and ensure that runoff does not flow upon their neighbors in greater quantities than it would if the property were in an undeveloped state. By mitigating the impact of stormwater runoff from developed property, the stormwater management system helps prevent damage that would subject a property owner to civil liability.

(h) The board of commissioners is responsible for the protection and preservation of the public health, safety, and welfare of the community, and finds that it is in the best interest of the health, safety, and welfare of the citizens of the county and the community at large to proceed with the development, implementation, and operation of a utility for stormwater management accounted for in the county budget as a separate enterprise fund dedicated solely to stormwater management and to institute funding methods associated therewith.

(i) The county has undertaken a comprehensive review by staff and professional consultants of the need for, management of, and funding for, a stormwater utility. The county staff reports and the professional engineering and financing feasibility analysis submitted to the county properly assess and define the stormwater management problems, needs, goals, program priorities and funding opportunities of the county.

(j) As a result, the county's governing authority finds that a stormwater utility provides the most practical and appropriate means of properly delivering storm water management services and facilities, and the county's governing authority finds that a utility fee provides the most practical and appropriate means of funding stormwater management services in DeKalb County.

The governing authority of the City makes the following findings of fact:

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

(a) The City is authorized by the supplementary powers provisions of Ga. Const. art. IX, § II, ¶ III(a)(6) to provide a stormwater collection and disposal system within its municipal limits.

(b) The Federal Clean Water Act, as amended by the Water Quality Act of 1987 (33 USC 1251 et seq.), and rules promulgated by the United States Environmental Protection Agency pursuant to the Act emphasizes the role of local governments in developing, implementing, conducting and funding stormwater programs which address water quality impacts of stormwater runoff.

(c) Given the project cost of stormwater management programs, systems and facilities identified in the professional engineering and financial analyses performed by DeKalb County and obtained by the City, it is appropriate to adopt a stormwater service fee rate methodology and to charge service fees to properties and persons within the City in a manner that recovers the cost of programs, systems and facilities and other costs associated therewith, including but not limited to allocations of the cost of services provided to the stormwater management utility by other funds of the City and other government entities and agencies, interest on bonds, operational and emergency reserves, allowances for delinquencies and bad debt, and such other costs as may be deemed reasonable and appropriate by the governing authority of the City to ensure the management, maintenance, protection, control, regulation, use and enhancement of stormwater programs, systems and facilities in the City.

(d) The stormwater conditions reflected in the study conducted by the county and obtained by the city reflect the current conditions of the stormwater system in the City.

(e) Stormwater management is applicable and needed throughout the City. Stormwater service fee rate methodology and service fees should be applicable throughout the City to enable the City to successfully manage operate and improve stormwater programs, systems and facilities at an advanced level. Service fees will also assist the City in meeting the regulatory obligations imposed by its National Pollutant Discharge Elimination System (NPDES) permits by reducing pollution and increasing water quality within the city.

(f) The stormwater needs in the City include but are not limited to protecting the public health, safety and welfare. Funding of stormwater programs, systems and facilities is therefore incidental to the fundamental regulatory function of the City in protecting the public health, safety and welfare.

(g) Provision of stormwater management programs, systems and facilities renders and/or results in both services and benefits to individual properties, property owners, citizens and residents of the City and to all properties, property owners, citizens and residents of the city concurrently in a variety of ways as identified in the professional engineering and financial analyses, and the services and benefits differ among the individual properties, property owners, citizens and residents in relation to the demands they impose individually and collectively on the stormwater systems and facilities.

(e)(h) The services and benefits rendered or resulting from the provision of stormwater management programs, systems and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems and facilities, and risk exposure. It is not practical to allocate the cost of the City's stormwater management programs, systems and facilities in direct relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the city's stormwater programs, systems and facilities which render or result in services and benefits.

(i) The City presently owns and operates stormwater management systems and facilities which have been developed, installed and acquired through various mechanisms over many years. The future usefulness of the existing stormwater systems owned and operated by the city, and of additions and improvements thereto, rests on the ability of the City to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities in the City. In order to do so, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs.

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 32-03, Pt. I, 12-23-03)~~

Sec. 25-~~361~~402. - Definitions.

The following definitions shall apply to this article. Any word or phrase not defined below but otherwise defined in the Code of Ordinances shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

- (1) *Channel protection* shall have the same meaning as the term is defined in the Georgia Stormwater Manual, Volume 2, as amended hereafter.
- (2) *Credit* shall mean a conditional reduction in the amount of a stormwater service charge to an individual property based upon the terms and conditions of this article.
- (3) *Customer* shall mean all persons, properties, and entities served by the utility's acquisition, management, maintenance, extension, and improvement of the public storm water management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.
- (4) *Developed land* shall mean all property not deemed as undeveloped land.
- (5) *Direct lien* shall mean a lien enforced against an individual or property prior to obtaining a judgment against the individual or property, such as liens established by operation of law for unpaid taxes.
- (6) *Equivalent residential unit (ERU)* shall mean the unit of measure which provides the basis for comparing the runoff generated by one parcel with that generated by another. An ERU shall be the median impervious coverage of a statistical sampling of single detached dwelling

lots in ~~DeKalb County~~ the City, which has been determined to be three thousand (3,000) square feet of impervious area.

- (7) *Impervious surfaces* shall mean those areas, which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.
- (8) *Multiple dwelling lot* shall mean a developed lot where on more than one (1) attached or detached residential dwelling units are located. Multiple dwelling lots include, but are not limited to, apartments, condominiums, duplexes and triplexes.
- (9) *Other developed land* shall mean, but shall not be limited to, commercial and office buildings, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, and agricultural uses covered by impervious surfaces.
- (10) *Overbank flood protection* shall have the same meaning as the term is defined in the Georgia Stormwater Manual, Volume 2, as amended hereafter.
- (11) *Service fees* shall mean the stormwater management service fees applicable to a parcel of developed land, which charge shall be used only for the purpose of funding the ~~DeKalb County~~ City's stormwater utility's cost of providing stormwater management services and facilities.
- (12) *Single dwelling lot* shall mean a developed lot containing one (1) dwelling structure with its principal use being a residential dwelling. Single dwelling lots include, but are not limited to, single family homes and town homes characterized by fee simple ownership of both land and improved structures.
- (13) *Stormwater management system* means any one (1) or more of the various devices used in the collection, treatment, or disposition of storm, flood or surface drainage waters, including all manmade structures or natural watercourse for the conveyance or transportation of runoff, such as: detention areas, berms, swales, improved watercourses, open channels, bridges, gulches, streams, gullies, flumes, culverts, gutters, pumping stations, pipes, ditches, siphons, catch basins and street facilities; all inlets; collection, drainage or disposal lines; intercepting sewers; disposal plants; outfall sewers; all pumping, power, and other equipment and appurtenances; all extension, improvements, remodeling, additions, and alterations thereof; and any and all rights or interests in such stormwater facilities. Stormwater facilities expressly excludes any of the foregoing which exist for, or are used exclusively for the purpose of collection, treating, measuring, supplying, or distributing potable water within or as part of the county water supply and treatment system, or any of the foregoing which exist for or are used exclusively for the purpose of collecting, treating, or measuring effluent within or as part of the county sanitary sewer system.
- (14) *Undeveloped land* shall mean a lot in its unaltered natural state and which has no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- (15) *Water quality* shall have the same meaning as the term is defined in the Georgia Stormwater Manual, Volume 2, as amended hereafter.

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 32-03, Pt. I, 12-23-03)~~

Sec. 25-~~362~~403. - Establishment of a utility.

- (a) There is hereby established a stormwater utility ~~within the public works department~~ which shall be responsible for stormwater management throughout the ~~county~~City's jurisdictional limits, and shall provide for the management, protection, control, regulation, use, and enhancement of stormwater systems and facilities. The stormwater utility management unit shall be composed of such personnel, employees and agents of the City as the governing authority of the City may from time to time determine and the compensation of such personnel, employees and agents shall be fixed and determined by the city manager as approved by the governing authority.
- (b) The governing authority of ~~DeKalb County~~the City confers upon the stormwater utility ~~hereby transfers to the stormwater utility~~ operational control over the existing stormwater management ~~programs,~~ systems and facilities ~~performed, provided or~~ owned and heretofore operated by the ~~county~~City and other related assets, including but not limited to properties upon which such facilities are located, easements, rights-of-entry and access, and certain equipment used solely for stormwater management.

~~(Ord. No. 40-02, Pt. I, 12-10-02)~~

Sec. 25-~~363~~404. - Scope of responsibility for the stormwater utility.

- (a) ~~The stormwater utility shall monitor the design, operation, maintenance, inspection, construction, and use of all stormwater systems in the county. The stormwater utility shall be responsible for the design and construction of public stormwater facilities owned by the county and shall inspect, operate, and maintain them as prescribed herein.~~ The stormwater utility shall be responsible for plan approval and construction inspection of both private stormwater facilities and public stormwater facilities ~~not owned by the county~~located within the City. Additionally, the stormwater utility may accept the responsibility for the operation and maintenance of private stormwater facilities only when such services have been agreed to, contracted for, and approved by the governing authority of the county. The stormwater utility shall be responsible for the design and construction of public stormwater facilities owned by the City and shall ~~inspect, operate and maintain such facilities as described herein.~~
- (b) The city drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainageways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or manmade, within the political boundaries of the City which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal

access for purposes of operation, maintenance and improvement of those stormwater systems and facilities which:

(1) Are located within public streets, rights-of-way and easements;

(2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for adequate access for operation, maintenance and/or improvement of systems and facilities;

(3) Are located on public lands to which the City has adequate access for operation, maintenance and/or improvement of systems and facilities; or

(4) Are determined by the city attorney to be the City's responsibility.

~~(b)~~(c) The stormwater utility shall provide for inspection of private facilities to ascertain that the stormwater facilities are functioning as designed and approved. The stormwater utility shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public health, safety, and welfare, and in cases where such remedial maintenance is required the ~~county~~City may bill the owner of the private facility for the costs of such maintenance.

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 32-03, Pt. I, 12-23-03)~~

Sec. 25-~~364~~405. - Establishment of enterprise fund.

(a) The ~~chief executive officer~~City or the sewer system provider shall establish a stormwater enterprise fund in the ~~county~~applicable budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established from time to time by the ~~board of commissioners~~applicable governing authorityCity Council.

(b) Except as provided pursuant to ~~section 24-364~~subsection (c), any revenues and receipts of the stormwater utility shall be placed in the stormwater enterprise fund and all expenses of the utility shall be paid from the stormwater enterprise fund, except that other revenues, receipts, and resources not in the stormwater utility enterprise fund may be applied to stormwater management operations and capital investments as deemed appropriate by the ~~board of commissioners, upon recommendation of the chief executive officer~~applicable governing authorityMayor and City Council.

(c) The ~~county~~City or the sewer system provider may pledge all or any portion of all income and revenue of any nature derived from the operation of the stormwater management systems and facilities ~~owned by the county~~, including periodic stormwater service charges and other charges for stormwater service, to the payment of principal of premium, if any, and interest on any revenue bonds or other obligations, ~~lawfully issued or otherwise contracted for by the county as may be provided in any resolution authorizing such bonds or obligations or in any trust instrument relating to such bonds or obligations.~~

~~(Ord. No. 40-02, Pt. I, 12-10-02)~~

Sec. 25-~~365~~406. - Stormwater service fees established.

~~(a) — In order to recover the cost of providing stormwater services and facilities while fairly and reasonably apportioning the costs among developed properties throughout the unincorporated portion of the county based on the use of stormwater services and facilities, the following stormwater rates shall apply:~~

~~(b) — The stormwater service charge per equivalent residential unit shall be four dollars (\$4.00) per month or as amended by official action of the governing authority.~~

~~(c) — All single detached dwelling lots shall be charged the rate applicable to one (1) equivalent residential unit.~~

~~(d) — All multiple dwelling lots shall be charged the rate applicable to one (1) equivalent residential unit times the number of dwelling units located on the multiple dwelling unit property times an adjustment factor that adjust the ERU to equal the median impervious coverage of a statistical sampling of a single dwelling unit within a multiple dwelling lot in DeKalb County, which has been determined to be 0.5.~~

~~(e) — All other developed lands shall be billed for one (1) equivalent residential unit for each three thousand (3000) square feet of impervious surface or increment thereof on the property, rounded to the next highest tenth of an equivalent residential unit.~~

Stormwater service fee rates may be determined and modified from time to time by the mayor and city council so that total revenue generated by said fees and any other sources of revenues or other resources allocated to stormwater management shall be sufficient to meet the cost of stormwater management programs, systems and facilities, including but not limited to the payment of principal and interest on debt obligations, operating expense, capital outlays, nonoperating expense, provisions for prudent reserves and other costs as deemed appropriate. Stormwater service fee revenues in any given year may exceed or be less than the cost of service in that year, provided, however, that the stormwater service fee rate shall be based on meeting the long-term projected cost of stormwater management programs, systems and facilities. All unencumbered stormwater management funds derived from service fees and other sources of revenue not expended at the end of a fiscal year shall remain in the stormwater management utility enterprise fund account and balances shall be forwarded to the next fiscal year.

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 32-03, Pt. I, 12-23-03)~~

~~Sec. 25-366. — Effective date of stormwater service charges and termination of pond fees and other stormwater related fees in force prior to effective date.~~

~~The stormwater service fee shall accrue beginning January 1, 2004, and shall be billed annually thereafter.~~

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 10-03, Pt. I, 5-27-03)~~

~~Sec. 25-367. — Elimination of pond maintenance fees.~~

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

~~Beginning January 1, 2004, all fees collected for pond maintenance are hereby eliminated.~~

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 10-03, Pt. I, 5-27-03)~~ Sec. 25-368407. -
Exemptions.

The following properties are exempt from stormwater utility fees:

- (1) Undeveloped land;
- (2) All public rights-of-way; and
- (3) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service charges.
- (4) Any property whereby one hundred (100) percent of the stormwater runoff is contained on the premises and no runoff enters into the stormwater management system.

~~(Ord. No. 40-02, Pt. I, 12-10-02)~~

Sec. 25-369408. - Credits.

Credits to the stormwater service fee may be determined and modified from time to time by the mayor and council. Credits are available based on the following:

- (a) Property owners of developed land may receive a stormwater service charge credit for on-site systems or facilities. Stormwater service charge credits shall be determined based on the technical requirements design and performance standards contained in the Georgia Stormwater Management Manual as may be updated or amended from time to time:
~~Stormwater service charge credits may total up to forty (40) percent of the service charge applicable to a property, and shall be granted upon a showing of any of the following:~~
 - ~~(1) Ten (10) percent credit for on-site systems or facilities sized and functioning to meet water quality standards in accordance with the DeKalb County Code and the Georgia Stormwater Management Manual as may be updated or amended from time to time.~~
 - ~~(2) Ten (10) percent credit for on-site systems or facilities properly sized and functioning to meet the channel protection standards in accordance with the DeKalb County Code and the Georgia Stormwater Management Manual as may be updated or amended from time to time.~~
 - ~~(3) Ten (10) percent credit for on-site systems or facilities sized and functioning to meet the overbank flood protection standards in accordance with the DeKalb County Code and the Georgia Stormwater Management Manual as may be updated or amended from time to time.~~
 - ~~(4) Ten (10) percent credit for on-site systems or facilities sized and functioning to meet the extreme flood protection standards in accordance with the DeKalb County Code and the Georgia Stormwater Management Manual as may be updated or amended from time to time.~~
- (b) Property owners seeking service charge credits must apply for stormwater service charge credits through completion and submittal to the CountyCity of a stormwater service charge

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

credit application prior to January 1st of the year in which stormwater service charges are to be billed by the ~~countyCity~~ (except for 2004, in which applications must be received by March 1, 2004). Credits will only be granted through applications approved by the ~~countyCity~~ for the remainder of the year in which stormwater service charges are to be billed ~~by the county~~. Any credits issued by DeKalb County in 2018 or any application received by DeKalb County before January 1, 2019, are hereby accepted as valid credits and applications for the City for the 2019 calendar year.

- (c) Upon receipt of a timely filed completed application, the ~~chief executive officer~~ city manager or his designee shall review the application and make a determination as to whether the applicable criteria for a credit has been met. All decisions regarding the approval or disapproval of a stormwater credit shall be made within forty-five (45) days of the date the completed application was submitted to the county.

- (d) Any credit allowed against the service charge is conditioned on:

- (1) ~~e~~Continuing compliance with the ~~countyCity~~'s design and performance standards as stated in the Georgia Stormwater Management Manual as may be updated or amended from time to time; and
- (2) ~~u~~Upon continuing provision of the systems or facilities provided, operated, and maintained by the property owner or owners upon which the credit is based.

The ~~countyCity~~ may revoke any credit at any time for non-compliance with this article.

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 32-03, Pt. I, 12-23-03)~~

Sec. 25-~~370~~409. - Inspection of private facilities.

Continuing compliance with the ~~countyCity~~'s design and performance standards may be verified by ~~county~~ inspection of the systems or facilities upon which the credit is based. No credit shall be given under this article unless the property owner agrees in writing in its application that the ~~countyCity~~ shall have the right for its designated officers, representatives, agents, and employees to enter upon private and public property, upon reasonable notice to the owner of such property, to inspect the property and conduct surveys and engineering testing on such property in order to assure compliance with the ~~countyCity~~'s design and performance standards. On-site systems or facilities determined to no longer comply with the ~~countyCity~~'s design and performance standards shall subject the property owner to revocation of all, or a portion of, stormwater service charge credits based on the ~~countyCity~~ inspections' estimate of capacity reduction for a period of not less than one (1) year.

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 32-03, Pt. I, 12-23-03)~~

Sec. 25-~~371~~410. - Stormwater service charge, billing, delinquencies and collections.

- (a) The stormwater utility service charge may be billed separately, or on a customer statement and collected along with other fees for services, at the ~~county's~~ sole discretion of the City or its designee, provided that in no instance shall the service charge constitute a direct lien

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

against the property. Unpaid stormwater service fees shall be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any judgment obtained thereby.

- (b) A stormwater utility service charge bill may be sent through the United States mail or by alternative means notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay such fee. If a customer is underbilled or if no bill is sent for developed land, the county may backbill for a period of up to one year, but shall not assess penalties for any delinquency due to the failure to send a bill or an under billing. A one (1) percent per month late charge shall be assessed against the owner for the unpaid balance of any stormwater utility service charge that becomes delinquent.

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 32-03, Pt. I, 12-23-03)~~

Sec. 25-~~372~~411. - Stormwater utility service inspections and enforcement.

Every owner of real property located in the ~~unincorporated area of the county~~City, and every person who serves as a contractor or developer for the purpose of developing real property located in the ~~unincorporated area of DeKalb County~~municipal limits of the City shall provide, manage, maintain, and operate on-site stormwater management systems and facilities sufficient to collect, convey, detain, control and discharge stormwater in a safe manner consistent with all ~~DeKalb County~~ordinances and development regulations of the City, and the laws of the State of Georgia and the United States of America. Any failure to meet this obligation shall constitute a nuisance and be subject to an abatement action filed by any damaged party or ~~DeKalb County~~the City in any court of competent jurisdiction. In the event a public nuisance is found by the court to exist, which the owner fails to properly abate within such reasonable time as allowed by the court, the ~~county~~City may enter upon the property and cause such work as is reasonably necessary to abate the nuisance with the actual cost thereof assessed against the owner or developer, if any, on a joint and several basis. From the date of the filing of such action, the ~~county~~City shall have lien rights, which may be perfected, after judgment, by filing a notice of lien on the General Execution Docket of the Superior Court of DeKalb County. ~~DeKalb County~~The City shall have the right, pursuant to the authority of this article, for its designated officers and employees to enter upon private and public property owned by entities other than the ~~county~~City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance with this section.

~~(Ord. No. 40-02, Pt. I, 12-10-02; Ord. No. 32-03, Pt. I, 12-23-03)~~

Sec. 25-~~373~~412. - Appeals.

- (a) Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:

- (1) An appeal must be filed in writing with the ~~chief executive officer~~city manager or designee within thirty (30) days of the decision that is appealed. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
- (2) The ~~chief executive officer~~city manager or his designee shall conduct a technical review of the conditions on the property and respond to the appeal in writing within ~~thirty (30)~~sixty (60) days.
- (3) In response to an appeal the chief executive officer or his designee may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this article.
- (4) All decisions ~~by the chief executive officer~~rendered by the city manager or his designee pursuant to this section shall be final.
- (b) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decision of the ~~chief executive officer~~city manager or his designee may be appealed by application for writ of certiorari in the Superior Court of DeKalb County, filed within thirty (30) days of the date of service of the decision of the ~~chief executive officer~~City Manager.

~~(Ord. No. 40-02, Pt. I, 12-10-02)~~

~~Sec. 25-374. -- Effective date.~~

~~Article V of Chapter 25 of this Code shall become effective on January 1, 2004.~~

~~(Ord. No. 10-03, Pt. I, 5-27-03)~~



CITY COUNCIL AGENDA ITEM

SUBJECT: Transportation Steering Committee Resolution

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☐ OTHER

Date Submitted: 03/22/19

Council Meeting: 03/25/2019

SUBMITTED BY: Councilmember George Turner

PURPOSE: Discussion on Transportation Steering Committee Resolution(s)

HISTORY: None

OPTIONS: Approve or Deny

ATTACHMENT(S): None



CITY COUNCIL WORK SESSION AGENDA ITEM

**SUBJECT: RESOLUTION TO AUTHORIZE DEKALB BOARD OF ELECTIONS TO
PERFORM SUPERINTENDENT DUTIES FOR NOVEMBER
ELECTION**

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☐ OTHER

Work Session: 03/25/2019

Council Meeting: 03/25/2019

SUBMITTED BY: INTERIM CITY CLERK, LEAH RODRIGUEZ

PURPOSE: APPROVAL

HISTORY: None

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2019-03

**A RESOLUTION AUTHORIZING THE DEKALB COUNTY BOARD OF ELECTIONS
TO PERFORM THE DUTIES OF SUPERINTENDENT OF ELECTIONS FOR THE
MUNICIPAL ELECTION FOR THE CITY OF STONECREST FOR THE OFFICE OF THE
MAYOR AND THE COUNCIL MEMBERS OF COUNCIL DISTRICT POSTS 2 (TWO) AND 4
(FOUR) FOR 2019**

WHEREAS, pursuant to the City Charter for the City of Stonecrest, the offices of the Mayor and the Councilmembers for Posts 2 (Two) and 4 (Four) shall be elected on the date of the regular elections held in November 2019; and

WHEREAS, pursuant to Ordinance 2019-03-____, the City of Stonecrest (the "City") previously authorized the DeKalb County Board of Elections (the "Board") to perform all duties as superintendent of elections as specified under Chapter 2 of Title 21 of the Official Code of Georgia, with the exception of the qualification of candidates for the City's municipal elections to be held in November 2019; and

NOW, THEREFORE, BE IT RESOLVED,

SECTION 1. That the Board shall perform for the City all duties as superintendent of elections as specified under Chapter 2 of Title 21 of the Official Code of Georgia, City for the offices of the Mayor and Councilmembers of Council District Posts, 2 (Two), and 4 (Four), in connection with the City's municipal elections held in November 2019.

SECTION 2. That the City Clerk is hereby authorized to deliver a copy of this Resolution to the Board as superintendent of elections of the City.

SECTION 3. That this Resolution shall become effective upon its adoption.

SO RESOLVED this the _____ day of March 2019.

Approved:

Jason Lary, Sr., Mayor

Attest:

Leah Rodriguez, Acting City Clerk

Approved as to form:
DENMARK WINSTON, City Attorney

By: WINSTON DENMARK



CITY COUNCIL AGENDA ITEM

**SUBJECT: ORDINANCE ADOPTING CHAPTER 3 (ALARM SYSTEMS) OF THE
CITY CODE**

☒ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☐ OTHER

Work Session: 03/25/2019

Council Meeting: 03/25/2019

SUBMITTED BY:

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 3 (ALARM SYSTEMS) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens and the City to provide a regulatory measure for an emergency response to alarm systems and to prevent false alarms that would needlessly occupy time of emergency personnel; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 3 (Alarm Systems).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 3. Alarm Systems" of the City Code to read and be codified as follows:

CHAPTER 3. ALARM SYSTEMS.

Sec. 3-1. Purpose.

- (a) *Short title.* This Chapter shall be known as the "False Alarm Ordinance" and may be cited as such.
- (b) *Purpose and intent.* This Chapter governs the responsible use and operation of alarm systems and implements measures to minimize the financial burden placed on the City by alarm system calls and false alarms. This Chapter is not intended to create new or to expand existing, if any, legal obligations of the City. The registration fees set forth in this Chapter are intended to require alarm system owners and alarm system companies to bear some of the cost of fire and police responses to all alarm system calls. The assessments set forth in this Chapter are intended to ensure compliance with this Chapter to defray a portion of the cost of false alarms, and to help reduce the number of false alarms.

Sec. 3-2. Definitions.

Words or terms not defined in this Chapter but defined in applicable state law or the Code of the City of Stonecrest, shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this Chapter shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

Alarm system means any system, device or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message or signal to an alarm system company, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a message or signal beyond the protected premises in some other fashion. An alarm system may consist of one (1) or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected or reports to an alarm system company, or constitutes a non-monitored alarm system, i.e., a system that does not transmit a message or signal to an alarm system company. The term "alarm system" does not include any system, device or mechanism primarily protecting a motor vehicle or constituting an individual medical alert.

Alarm system company means a company that charges a fee to monitor an alarm system placed, located, or protecting premises in the City of Stonecrest, including alarm system companies whose offices are physically located outside of City's geographical boundaries.

Alarm system owner means a person or company that owns or operates an alarm system and is not a customer of an alarm system company.

69 *Company* means an individual, sole proprietorship or organization,
70 whether the organization is operated by an individual, association, firm,
71 partnership, corporation or other entity.

72 *Customer of an alarm system company* means a person who pays a
73 fee to an alarm system company to monitor an alarm system placed,
74 located, or protecting premises in the City of Stonecrest.

75 *Dispatch* means the point in time when police officers, emergency
76 medical service providers, or fire personnel are directed to go to a
77 particular location in response to the activation of an alarm system.

78 *False alarm* means any activation of an alarm system that elicits a
79 response from the police department, or the fire department when there is
80 no appearance of an actual emergency or threatened criminal activity
81 necessitating a police or fire response. This definition includes, but is not
82 limited to, any alarm system activated as a result of weather, negligence,
83 accident, mechanical failure, electrical failure, or electrical surge.
84 Activation of an alarm system shall not be considered a false alarm if:

- 85 (a) The police department or fire department is notified prior to
86 dispatch to cancel any response;
- 87 (b) The alarm system was intentionally activated based upon a
88 reasonable belief that an emergency or actual or threatened
89 criminal activity requiring immediate police or fire response
90 existed; or
- 91 (c) The alarm system was activated by an attempted illegal entry of
92 which there is some evidence.

93 *Fire department* means the DeKalb County Fire Rescue
94 Department or the City of Stonecrest Fire Department if one is activated.

95 *Local* means within the geographical boundaries of the following
96 counties: Cherokee, Clayton, DeKalb, Fulton, Gwinnett, Henry, Newton,
97 Paulding and Rockdale.

98 *Police chief* means the City of Stonecrest Chief of Police or a
99 Chief of a Police Department contracted by the City to provide police
100 services.

101 *Police department* means the DeKalb County Police Department or
102 the City of Stonecrest Police Department, if one is deployed.

103
104 **Sec. 3-3. Registration of Alarm System Companies.**

105 (a) *Registration required.* No alarm system company may monitor an
106 alarm system placed, located, or protecting premises in the City of
107 Stonecrest unless such alarm system company registers with the
108 Police Department and, as part of such registration, identifies the
109 name, local address and local telephone number of at least one (1)
110 person who resides or works at a designated local address who
111 shall serve as the authorized agent of the alarm system company.
112 The authorized agent shall be the individual who is authorized by
113 the alarm system company to receive all notices, citations and to
114 pay all registration fees or fines assessed against the alarm system
115 company pursuant to this Chapter.
116

117 (b) *Reporting updated information.* Whenever there is a change in any
118 information recorded in an alarm system company's registration,
119 the alarm system company must, within thirty (30) days of the
120 change, update the registration on file with the Police Department.
121 Registration information on file remains effective until ten (10)
122 days after receipt of updated information.

123 (c) *Address information.* Every alarm system company shall provide
124 to the Police Department, in whatever format the Police Chief may
125 specify, including an electronic and searchable format, a complete
126 listing of all customers of the alarm system company which shall
127 include all addresses located in the City of Stonecrest that the
128 alarm system company monitors, and the name and address of the

person or company who receives the monitoring bill. Each alarm system company shall update the list in a manner and on a schedule as specified by the Police Chief.

- (d) *Registration fee.* Alarm system companies shall be required to pay an annual registration fee in the amount established by Resolution of the Mayor and City Council.

Sec. 3-4. Registration of Alarm System Owners.

- (a) *Registration required.* No alarm system owner may operate an alarm system within the City of Stonecrest unless such alarm system is registered with the Police Department.
- (b) *Transfer of possession.* Whenever there is any change in ownership of an alarm system and/or premises or property protected by an alarm system, the new owner must, within thirty (30) days of the change, register as an alarm system owner; alarm system registration is not transferable.
- (c) *Reporting updated information.* Whenever there is a change in any information recorded in an alarm system owner's registration, the alarm system owner must, within thirty (30) days of the change, update the registration on file with the Police Department. Registration information on file remains effective until ten (10) days after receipt of updated information.
- (d) *Multiple registrations required.* If more than one (1) alarm system protects a single property, each alarm system must be registered separately. If one (1) alarm system protects more than one (1) structure or property, then the alarm system must be registered multiple times, once as to each structure or property.
- (e) *Registration fee.* Alarm system owners shall be required to pay an annual registration fee in an amount established by Resolution of the Mayor and City Council.

Sec. 3-5. Duties of an Alarm System Company and an Alarm System Owner.

An alarm system company or owner shall:

- (a) Appear, or cause another person to appear, at the location of the alarm system within forty-five (45) minutes of a request from the Police Department or Fire Department in order to provide access to the alarm system and/or de-activate a malfunctioning alarm system;
- (b) Limit any externally audible sounds triggered by an alarm system to a duration of no more than fifteen (15) minutes after being activated; and
- (c) Make readily available instructions about how to operate the alarm system. This obligation can be met by indicating on the alarm system how it operates; indicating on the alarm system where written instructions are to be found, provided that such written instructions are kept in the same room or space in which the alarm system is located; making someone available no more than forty-five (45) minutes after notice to answer questions posed by a police officer or fire personnel; or by any other means that may be approved by the Police Chief.

Sec. 3-6. Violations.

- (a) It shall be a violation of this Chapter if any alarm system owner, customer of an alarm system company, or an alarm system company:
 - (1) Fails to register if required to do so by this Chapter;
 - (2) Fails to pay all applicable registration fees when due;
 - (3) Fails to update any information as required by this Chapter;

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

190 (4) Activates any alarm system for the purpose of summoning
191 a police officer or fire personnel with actual knowledge that
192 there is no emergency;

193 (5) Uses an auto-dialer or telephonic recording, message,
194 signal or warning to notify the Emergency 9-1-1 System of
195 any alarm system activation;

196 (6) Connects directly to an alarm display panel located in the
197 communications center of the Police Department and/or
198 Fire Department without authorization; or

199 (7) Aids or abets in the commission of an act prohibited by this
200 section.

201 (b) The Police Department is authorized to disable immediately any
202 alarm system, communication or device that is directly connected
203 to an alarm display panel located in the communications center of
204 the Police Department and/or Fire Department without
205 authorization.

206
207 **Sec. 3-7. Jurisdiction and Penalties.**

208 Any alarm system company, customer of an alarm system companies or
209 alarm system owner who does anything prohibited by sections 3-3, 3-4, 3-
210 5 and 3-6, or who fails to do anything required by these sections, upon
211 citation or summons by the Police Chief, code enforcement officer or
212 other authorized City agent or employee, and who is convicted of said
213 violation in the Stonecrest Municipal Court, shall be subject to appropriate
214 penalties as imposed by the court. If convicted of violating any provision
215 of sections 3-3, 3-4, 3-5 and 3-6, the court shall impose a minimum fine of
216 four hundred and ninety-nine dollars (\$499.00) in addition to any other
217 authorized punishment imposed by the court.

218
219 **Sec. 3-8. False Alarms and Assessments.**
220

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- 221 (a) An alarm system owner shall not activate or allow a false alarm to
222 be activated through the owner's alarm system.
- 223 (b) A customer of an alarm system company shall not activate or allow
224 a false alarm to be activated through alarm systems placed, located,
225 or protecting premises in the City. Customers of alarm system
226 companies shall be subject to an assessment for multiple false
227 alarms only where the false alarm occurs at the same location
228 within the preceding twelve-month period.
- 229 (c) For a failure to abide by the terms of this section, assessments will
230 be as follows:
- 231 (1) No assessment for a first false alarm.
- 232 (2) An assessment of fifty dollars (\$50.00) for a second false
233 alarm.
- 234 (3) An assessment of one hundred dollars (\$100.00) for a third
235 false alarm.
- 236 (4) An assessment of two hundred dollars (\$200.00) for a
237 fourth false alarm.
- 238 (5) An assessment of three hundred dollars (\$300.00) for a fifth
239 false alarm.
- 240 (6) An assessment of four hundred dollars (\$400.00) for a sixth
241 false alarm.
- 242 (7) An assessment of five hundred dollars (\$500.00) for a
243 seventh false alarm.
- 244 (8) An assessment of six hundred dollars (\$600.00) for an
245 eighth false alarm.
- 246 (9) An assessment of seven hundred dollars (\$700.00) for a
247 ninth false alarm.
- 248 (10) An assessment of eight hundred dollars (\$800.00) for a
249 tenth false alarm.

- 250 (11) An assessment of nine hundred dollars (\$900.00) for each
251 false alarm after the tenth false alarm.

252

253

Sec. 3-9. Notification and Appeal Process for Assessments.

- 254 (a) The Police Chief shall have the authority to issue a notice of
255 assessment, hereinafter referred to as the "notice," to alarm system
256 owners, and/or customers of alarm system companies who do not
257 abide by the requirements of section 3-8 of this Chapter. The
258 notice shall briefly describe the facts forming the basis for the
259 assessment, include the date and address of the incident, the
260 amount of the assessment owed, and advise the person of the right
261 to appeal the notice. The notice shall be sent via United States mail
262 to the alarm system owner or customer of an alarm system
263 company at the address on file as provided by this Chapter.
- 264 (b) If no appeal is filed in the manner required by this Chapter, the
265 assessment shall be paid to the Police Department. Should the
266 alarm system owner or a customer of an alarm system company
267 desire to appeal a notice, an appeal must be filed with the Police
268 Chief within fifteen (15) calendar days after the date reflected on
269 the notice. The person or entity filing the appeal, hereinafter
270 referred to as the "appellant," must pay to the Police Department
271 an appeal bond in an amount equal to the assessment at issue, and a
272 non-refundable appeal filing fee of thirty-five dollars (\$35.00) at or
273 before the appeal will be accepted for processing. The appeal shall
274 be in the form of a letter, and shall identify all of the reasons that
275 appellant believes the notice is improper or invalid. If the Police
276 Chief agrees with reasons cited by the appellant in the appeal, the
277 notice may be dismissed and no assessment shall be charged.
- 278 (c) If the notice is not dismissed by the Police Chief, he/she shall enter
279 or docket the appeal and notify the appropriate City

representative(s) or witness(es) and the appellant(s), in writing, of the date, time and place where a hearing will be held. The hearing shall be held before the City Manager or designated hearing officer within forty-five (45) calendar days of the date the appeal is entered or docketed. The parties may be represented by counsel, may present evidence, and may examine and cross-examine witnesses; the standard of proof shall be by a preponderance of the evidence and the City shall bear the burden of proof. A party is permitted no more than fifteen (15) minutes to present that party's case. Presentation of arguments and evidence may be in oral or written form. The City Manager or designated hearing officer shall grant or deny the appeal by issuing and mailing a written decision to the Police Chief and the appellant(s) within thirty (30) calendar days of the date of the hearing.

(d) The City Manager or designated hearing officer shall grant the appeal if he/she finds that issuance of the notice was based on an erroneous finding of material fact, or was arbitrary or capricious. If an appeal is granted, no assessment shall be charged to the appellant(s) and the appeal bond shall be returned to the appellant(s) by United States mail. If the appeal is denied, the appeal bond shall be kept by the City and utilized for police purposes. Should the City Manager or designated hearing officer fail to issue a timely decision, the appeal will be deemed granted and no assessment shall be charged to the appellant(s). The decision of the City Manager or designated hearing officer shall be final.

(e) Nothing in this Chapter shall be construed to prevent or limit the City from pursuing any and all available legal and equitable remedies to collect fines, assessments and enforce the provisions of this Chapter.

Sec. 3-10. Enforcement and Awareness Classes.

The Police Chief shall develop guidelines and forms, make recommendations and take such other steps as may be necessary to enforce the provisions of this Chapter. The Police Chief may create and implement awareness classes and may request the assistance of alarm system companies to develop and implement such classes. The classes shall be open to the public and shall provide instruction on how to reduce false alarms.

Sec. 3-11. Disclaimer/Immunities.

- (a) By enacting this Chapter, the City is seeking only to promote the health, safety and general welfare of its citizens and is not waiving any of the immunities provided to it or its officers by state or federal law.
- (b) By enacting this Chapter, no special duty or special relationship is created between the City, including its Police Officers and fire personnel, and persons who own real or personal property protected by an alarm system, persons who are physically present at or in the vicinity of property protected by an alarm system, or anyone else who may be relying upon or operating an alarm system in any way, including without limitation alarm system owners or alarm system companies. There is no intent to create liability to any person who claims that the enactment, enforcement or violation of this Chapter caused injury or loss of any kind.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____,
2019.

Approved:

Jason Lary, Sr., Mayor

As to form:

Winston Denmark, City Attorney

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

388 Attest:

389

390

391

392 Leah Rodriguez, City Clerk



CITY COUNCIL AGENDA ITEM

**SUBJECT: ORDINANCE ADOPTING CHAPTER 12 (FIRE AND PREVENTION) OF
THE CITY CODE**

☒ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☐ OTHER

Work Session: 03/11/2019

Council Meeting: 03/11/2019

SUBMITTED BY: Michael Harris

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 12 (FIRE PREVENTION AND PROTECTION) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens to provide for regulation and administration of fire prevention in the City; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 12 (Fire Prevention and Protection).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 12. Fire Prevention and Protection" of the City Code to read and be codified as follows:

CHAPTER 12. FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL.

Sec. 12-1. Definitions.

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

Apartment building means building containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, garden apartment, or by any other name.

Battery backup means any emergency power supply for power-assisted gates operated by electrical power.

Breakaway security gate means any gate designed to fall away under pressure.

38 *Case hardened metal* means a steel alloy formed by diffusing
39 carbon or nitrogen into the outer layer of the steel at high temperature such
40 that the metal cannot be cut with a saw, and will not shatter.

41 *Combustible* means any material that is capable of supporting
42 ignition or the process of burning under heat exposure.

43 *Delayed response* means any postponement of an emergency
44 vehicle gaining access through security barriers.

45 *Disposal* means the discharge, deposit, injection, dumping,
46 spilling, leaking, or placing of any hazardous substances or hazardous
47 waste into or on any land or water so that such substances or waste may
48 enter the environment or be emitted into the air or discharged into any
49 water, including groundwater.

50 *Dormitory* means buildings or spaces in buildings where group
51 sleeping accommodations are provided for persons not members of the
52 same family group in one room or in a series of closely associated rooms
53 under joint occupancy and single management, as in college dormitories
54 or other housing for students, fraternity houses, military barracks; with or
55 without meals, but without individual cooking facilities.

56 *Emergency shutoff button* means a device used to release hydraulic
57 pressure on power-assisted gates operated by hydraulic power.

58 *Fire apparatus* means any vehicle or equipment used by fire and
59 rescue services.

60 *Fire Marshal* means a qualified officer who will perform fire
61 marshal services for the City.

62 *Gamewell lock box* means a box, sometimes called an elevator lock
63 box, which must be opened with a special key carried on fire response
64 vehicles.

65 *Gravity gate* means a gate with no power assistance and which
66 operates freely under manual manipulation.

67 *Hazardous explosive chemicals* means all picric acids, nitro-based
68 chemicals, ethers, peroxides, oxidizers, and such other chemicals as may
69 be determined by the Fire Marshal to be hazardous explosives.

70 *Hazardous substance* means a substance that satisfies any one of
71 the following requirements:

- 72 (1) A substance which, because of the toxic or hazardous
73 properties which it exhibits, is determined by the Director
74 of the Environmental Protection Division of the State
75 Department of Natural Resources to represent a significant
76 risk to the public health and safety as a result of foreseeable
77 use, handling, accidental spill, exposure or contamination;
78 (2) A substance that is known to present a significant risk of
79 personal injury or illness as the foreseeable result of use,
80 handling, accidental spills, exposure or contamination; or
81 (3) A substance or material that has been determined to pose an
82 unreasonable risk to health, safety, and property.

83 *Hazardous waste* means any solid waste which has been defined as
84 a hazardous waste in regulations promulgated by the administrator of the
85 United States Environmental Protection Agency pursuant to the federal
86 regulation in force and effective February 1, 1986, codified as 40 CFR
87 261—Identification and Listing of Hazardous Waste, as amended.

88 *Hazardous waste generation* means the act or process of producing
89 hazardous waste.

90 *High-rise residential occupancy building* means residential
91 properties, hotels, dormitories, apartments, lodging or room houses, or
92 board and care facilities over 75 feet or 23 meters in height measured from
93 the lowest level of fire department vehicle access to the floor of the
94 highest occupied story.

95 *Hotel/motel* means a building in which separate sleeping rooms are
96 rented that provide sleeping accommodations for 15 persons or more on

either a transient or permanent basis, with or without meals, whether designated as a hotel, inn, club, motel, or by any other name.

Improper storage means storage of chemicals past the expiration date on the label or chemicals stored in any area or container not designed for storage of the particular chemical. If there is no date listed for the expiration date, the expiration date shall be 12 months past the date that the chemical was received by the person or entity storing the chemical.

Knox Box Rapid Entry System means a key box that is authorized by section 506 of the International Fire Code and allows firefighting access for fire department purposes. Examples of structures or areas in which a key box is required include commercial and industrial structures protected by an automatic alarm system or automatic suppression system or structures that are secured in a manner that restricts access during an emergency; multi-family residential structures that have restricted access through locked doors and have a common corridor for access to all the living units; governmental structures and nursing care facilities; hazardous material occupancies; and occupancies where a large number of medical or fire alarms occur and entry can be delayed.

Lodginghouse or roominghouse means a building in which separate sleeping rooms are rented which provides sleeping accommodations for 15 or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.

Pad lock means any lock that is not constructed of case hardened metal.

Power assisted gate means any gate that is operated through a power source, whether electrical, hydraulic or pneumatic.

Residential property means buildings containing three or more living units with independent cooking and bathroom facilities, whether

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

designated as apartment house, tenement, garden apartment, condominium
or by any other name.

Substance means any element, entity, compound, combination, or
any mixture thereof, whether organic or inorganic.

Toggle switch means a device used to operate a power-assisted
gate and override the power supply to the gate.

Sec. 12-2. Scope.

- (a) The provisions of this Chapter shall apply equally to both public
and private property, and to all structures and their occupants,
except as otherwise specified herein or by other applicable law.
- (b) The City shall have the authority to contract with any other
government entity for the enforcement of this Chapter and to enter
into any intergovernmental agreements for the provision of fire and
rescue services.

Sec. 12-3. False Fire Report.

It shall be unlawful for any person to transmit or cause to be
transmitted in any manner to fire and rescue services a false report of a
fire, knowing at the time there is no factual basis for believing that such a
fire exists. Such a violation shall be prosecuted under applicable state law
as a misdemeanor.

Sec. 12-4 - Sec. 12-24. Reserved.

ARTICLE II. ADMINISTRATION.

Sec. 12-25. Duties of the Fire Marshall.

- (a) Other than those services provided by DeKalb County, pursuant to
that Intergovernmental Agreement for the Provision of Fire Rescue
Services dated _____, as amended (the "Fire IGA"),

the services to be performed by the Fire Marshal shall include the inspections of new buildings and renovations to existing buildings for compliance with the fire code, including the following:

- (1) Reviewing and approving plans for both new construction and renovations of existing structures;
- (2) Final inspections for life safety for all commercial and multifamily buildings;
- (3) Inspections for new business licenses or change of occupancy, in conjunction with the building official; and
- (4) Inspections required for setting occupancy load, in conjunction with the building official.

(b) The Fire Marshal shall possess the education, training and experience required by state law for such position.

(c) The Fire Marshal or his designee shall remit all site plans receiving an approval for life safety by the Fire Marshal to DeKalb County's Fire Chief.

Sec. 12-26. Construction Plans Approval.

It shall be unlawful to construct, erect or alter any building without construction documents approved by the Fire Marshal for fire department accessibility, fire hydrant requirements, fire code requirements, occupancy load, aboveground and underground flammable and combustible liquids tank installations and fire protection and suppression systems, including, but not limited to, sprinklers.

Sec. 12-27. Permits.

The City shall have the authority to issue permits and to collect fees for plan review, permit and inspection in connection with commercial and multifamily buildings constructed or renovated in the City in amounts set by Resolution of the City Council as well as for reimbursement for other

review or inspection services provided in this Chapter, in this Code or by law.

Sec. 12-28. – Section 12-57. Reserved.

ARTICLE III. REGULATIONS AND ADOPTED CODES

Sec. 12-58. Adoption of State Fire Safety Rules..

Pursuant to O.C.G.A. § 25-2-1 et seq. and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the state minimum fire safety standards now and as may hereafter be promulgated by the Georgia Safety Fire Commissioner. In the event the Fire Marshal determines that the provisions of the state minimum fire safety standards conflict with the provisions of the International Fire Code adopted in section 12-59, then the most restrictive provision as determined by the Fire Marshal shall govern.

Sec. 12-59. Adoption of International Fire Code.

Pursuant to O.C.G.A. §§ 8-2-20 and 8-2-25 and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the International Fire Code, including chapter 1, Administration. As allowed in O.C.G.A. § 8-2-25, the provisions of the International Fire Code are modified and amended in sections 12-60 through 12-63. In the event the Fire Marshal determines that the provisions of the International Fire Code conflict with the provisions of the state minimum fire safety standards adopted in section 12-58, then the most restrictive provision as determined by the Fire Marshal shall govern..

Sec. 12-60. Amendments to the International Fire Code.

- (a) The International Fire Code is hereby amended by omitting section 108, Board of Appeals of chapter 1, Administration and section 108 shall not be adopted by the City.

- (b) The International Fire Code is hereby amended by adopting Appendix C—Fire Hydrant Locations and Distribution and Appendix D—Fire Apparatus Access Roads.

Sec. 12-61. Spread of Fire.

- (a) All combustible landscaping materials shall be placed at least 36 inches away from the edge of any building having an external skin of either combustible sheathing or combustible siding. Aluminum siding, vinyl siding, non-treated wood siding and similar materials shall be considered combustible for the purpose of this section. This section shall not be interpreted to prohibit the planting of shrubs, trees and other live plant materials closer than 36 inches away from the edge of any other building.
- (b) It shall be unlawful for any person to ignite a fire of any type within ten (10) feet of a combustible building, including ignition under combustible overhangs and balconies.

Sec. 12-62. Automatic Fire Extinguisher System Required.

- (a) All new or substantially rehabilitated multifamily dwellings properties shall be fully sprinkled in accordance with the latest adopted edition of the National Fire Protection Association publications 13 (NFPA-13) or 13R (NFPA 13R).
- (b) All high-rise residential occupancy buildings shall have an approved sprinkler system installed in accordance with NFPA-13.

Sec. 12-63. Security Gate/Barrier Installation Requirements Other than One- and Two-Family Dwellings.

- (a) *Definitions.*
- (1) *RFID* means radio frequency identification and, for the purpose of this section, refers to a mode of access to open a

- 254 gate in a gated community utilizing radio frequency waves
255 to activate the gate's locking mechanism and opening the
256 gate.
- 257 (2) *SOS* means siren operating sensor and, for the purpose of
258 this section, refers to a sensor that triggers the opening of
259 gated access as a result of the emergency vehicle siren.
- 260 (3) *Emergency vehicle* means any marked or unmarked law
261 enforcement vehicle, fire truck, fire rescue staff vehicle,
262 ambulance and/or ambulance staff vehicle and rescue units.
- 263 (4) *Existing gated development* means a gated development
264 that has obtained construction plan approval prior to the
265 effective date of this ordinance.
- 266 (5) *Gated development* means any residential development
267 which may be fenced and has a secured gate located at the
268 roadway entrance to the facility, preventing free access by
269 the public.
- 270 (6) *New gated development* means a gated development that
271 has obtained construction plan approval after the effective
272 date of this ordinance.
- 273 (b) *Installation requirements for all gates.*
- 274 (1) All gates shall have a minimum width of 20 feet to allow
275 for fire apparatus access.
- 276 (2) All gates shall have signage indicating gate direction of
277 travel.
- 278 (3) All objects on a gate that may obstruct the path of
279 emergency vehicles must be covered with reflective paint,
280 tape or lights sufficient to guide vehicles around the
281 obstruction.
- 282 (4) The owner of the property shall ensure that all hydraulic
283 gates are disabled and left in the open position when the

- 284 temperature is expected to drop below 25 degrees
285 Fahrenheit.
- 286 (5) If a gate is located on a turn, the turn must have a 35-foot
287 clear inside radius and a 50-foot clear outside radius.
- 288 (6) Gate installers shall provide information on the operational
289 features of the gate to the Fire Marshal prior to the
290 installation of any security gate.
- 291 (7) The Fire Marshal prior to installation of any security gate
292 must approve its operational features.
- 293 (8) When gates are opened for emergency access, they shall
294 remain open until reactivated.
- 295 (9) Construction plans or blueprints shall be submitted to the
296 Community Development Department for approval by the
297 Fire Marshal prior to an owner or applicant beginning work
298 on the installation of a gate.
- 299 (10) Each new or existing gated development to which access is
300 limited by security gate(s) that are unmanned or otherwise
301 not physically attended by a person on a 24-hour basis shall
302 be required to install an RFID/SOS gate access system on
303 each roadway entrance gate to allow for silent radio
304 frequency or siren-activated access by emergency vehicles.
305 This requirement shall apply to all such gates that are part
306 of a gated development, whether leading outside the
307 development or internal to the development.
- 308 (11) The City shall bear the cost of the RFID/SOS system for
309 existing gated developments. Gated development approved
310 after the effective date of this section shall bear the cost of
311 the RFID/SOS system. Gated developments, whether
312 existing or new, shall bear the cost of continuous
313 maintenance of their RFID/SOS system.

- 314 (12) Existing gated developments shall have 12 months from the
315 effective date of this ordinance to comply with the
316 provisions of this section. Gated developments developed
317 after the effective date of this ordinance shall comply with
318 this section prior to or concurrent with installation of an
319 unmanned security gate.
- 320 (13) Failure to install and continuously maintain the required
321 RFID/SOS gate access system in conformance with the
322 provisions of this section shall be a violation of this section.
323 This section shall be administered by the Stonecrest Fire
324 Marshal or designee.
- 325 (14) The provisions of this section are intended to ensure a
326 minimum level of access by emergency personnel during
327 emergencies and shall not be construed to guarantee the
328 safety of a gated development during an emergency.
- 329 (c) *Installation requirement for power-assisted gates.*
- 330 (1) Property owners shall ensure that Gamewell lock boxes or
331 any means of security approved by the Fire Marshal shall
332 conform to the requirements of this Chapter.
- 333 (2) Power assisted gates shall contain a toggle switch to
334 manually operate the gate and override the power.
- 335 (3) The property owner shall install in gates operated by
336 electrical means a battery backup to keep the toggle switch
337 operational.
- 338 (4) The property owner shall also ensure that the power-
339 assisted gate is equipped to operate manually.
- 340 (5) Property owners shall ensure that hydraulic gates have an
341 emergency button or knob to release pressure. The button
342 or knob shall be located at the hydraulic arm, and one
343 shutoff is required for each arm. If the emergency shutoff is

used, the gate must be capable of being secured to prevent it from swinging back to the closed position.

(d) *Installation requirements for gravity gate locking devices.*

(1) Pad locks may be used to secure a gate only if the pad lock is not constructed of case hardened metals.

(2) Gates shall be installed to allow fire apparatus to access the property and not impede the flow of traffic. This includes a sufficient distance to allow gates to open if swinging in the direction of the fire apparatus.

(e) *Installation requirements for chain and pole security barriers.*

(1) Property owners must seek approval from the Fire Marshal prior to the use of chain and pole barriers.

(2) Chains and pole barriers must not be constructed of case hardened metal.

(f) *Installation requirements for break-away security gates.*

(1) When the security gate arm is raised, the property owner must ensure that the arm remains raised until reset for normal operation.

(2) The mechanism for overriding the gate shall be accessible to the employees of the fire rescue service provider.

(3) When in use, the gate arm should be open to an angle greater than 90 degrees to the terrain of the driveway.

Sec. 12-64 – 12-84. Reserved.

ARTICLE IV. INSPECTIONS, VIOLATIONS AND PENALTIES.

Sec. 12-85. Responsibility for Violations.

It shall be unlawful for any person to violate the provisions of this Chapter, to permit or maintain such a violation, to refuse to obey any

provision thereof, or to fail or refuse to comply with any such provision or regulation.

Sec. 12-86. Penalties for Violation.

(a) Any person who violates any of the provisions of this Chapter as hereby adopted or fails to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement or specifications of plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall for each and every such violation or noncompliance, be guilty of an ordinance violation and, where applicable, State or Federal law. Upon conviction of the violation in a court of competent jurisdiction, the individual shall be subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

(b) The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Any person convicted of a violation under this Chapter shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the penalty stated in this section shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 12-87 – 12-115. Reserved.

ARTICLE V. HAZARDOUS EXPLOSIVE CHEMICALS.

Sec. 12-116. Improper Storage Prohibited.

It shall be unlawful for any person or institution to keep hazardous explosive chemicals, which are used or stored for which the expiration date has passed.

406
407 **Sec. 12-117 – 12-145. Reserved.**
408

409
410 **ARTICLE VI. OPEN BURNING.**
411

412 **Sec. 12-146. Permitted and Prohibited Burning.**

413 (a) No person shall cause, suffer, allow or permit open burning in any
414 area of the City except as follows:

415 (1) Open burning in a reasonable fashion for the purpose of
416 cooking food for immediate human consumption, provided,
417 however, except for one- and two-family dwellings, it shall
418 be unlawful to use charcoal burners or other open flame
419 cooking devices on combustible balconies or within ten
420 (10) feet of combustible construction.

421 (2) Operation of devices using open flames such as candles,
422 lanterns, tar kettles, blow torches, welding torches, portable
423 heaters and other flame-making equipment where approved
424 safety measures are used.

425 (3) Open burning in other than residential areas for the purpose
426 of land clearing or construction or maintenance of right-of-
427 way.

428 (4) Warming fires in a barrel of 55-gallon capacity or less, or
429 other commercially sold outdoor fireplace devices,
430 provided that:

431 a. The fire does not produce dense smoke or
432 obnoxious odors; and

433 b. The fire is attended by an individual over the age of
434 17 years.

435 Untreated wood or lumber shall be the only material or
436 substance allowed in the warming fire.

(b) Open burning allowed as set forth in subsection (a) of this section shall meet the following standards:

- (1) Materials such as heavy oils, gasoline, asphaltic materials, plastic, items containing natural or synthetic rubber, or any other material producing dense smoke or obnoxious odors shall not be used for starting or maintaining an open fire.
- (2) All burning shall be located on private property, so as not to interfere with any traffic on public streets or sidewalks.
- (3) No burning shall be allowed in violation of restrictions imposed by the Federal Environmental Protection Agency or the State Environmental Protection Division or other rules and regulations adopted herein, including the state minimum fire safety standards.

Sec. 12-147 – 12-175. Reserved.

ARTICLE VII. FIREWORKS.

Sec. 12-176. 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. In the event that any definitions used in this Article conflict with those contained in O.C.G.A. § 25-10-1 et seq., the definitions contained in O.C.G.A. § 25-10-1 et seq., as amended, shall control.

Consumer fireworks means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations (16 CFR

1500 and 1507), the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations (49 CFR 172), and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term "consumer fireworks" shall not include:

- (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and
- (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Fireworks means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term "fireworks" does not include:

- (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol

- 497 paper caps in which the explosive content averages 0.25 grains or
498 less of explosive mixture per paper cap or toy pistols, toy cannons,
499 toy canes, toy guns, or other devices using such paper caps; nor
500 does the term "fireworks" include ammunition consumed by
501 weapons used for sporting and hunting purposes; and
502 (2) Wire or wood sparklers of 100 grams or less of mixture per item;
503 other sparkling items which are nonexplosive and non-aerial and
504 contain 75 grams or less of chemical compound per tube or a total
505 of 500 grams or less for multiple tubes; snake and glow worms;
506 smoke devices; or trick noise makers which include paper
507 streamers, party peppers, string peppers, snappers, and drop pops
508 each consisting of 0.25 grains or less of explosive mixture.
509

510 **Sec. 12-177. Fireworks Activities Restricted.**

511 Except as permitted under State Law and as otherwise permitted in this
512 Article, it shall be unlawful for any person, firm, corporation, association
513 or partnership to offer for sale at retail or wholesale, or to use or explode
514 or cause to be exploded, or to possess, manufacture, or store any consumer
515 fireworks or fireworks within the City.
516

517 **Sec. 12-178. Public Exhibitions or Display of Fireworks.**

518 Public exhibitions or displays of fireworks shall be allowed if properly
519 permitted according to the provisions of O.C.G.A. Title 25, Chapter 10.
520

521 **Sec. 12-179. Penalty for Violation of Article.**

522 Any person violating the provisions of this Article shall be subject to
523 punishment, and upon conviction, subject to fine and/or imprisonment in
524 accordance with Chapter 1 of this Code.
525

526 **Sec. 12-180 – 12-200. Reserved.**

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____,
2019.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584

Approved:

Jason Lary, Sr., Mayor

As to form:

Winston Denmark, City Attorney

Attest:

Leah Rodriguez, City Clerk



CITY COUNCIL AGENDA ITEM

**SUBJECT: RESOLUTION TO RE-CONFIRM, SOLIDIFY, AND EXECUTE
COMMITMENTS OF THE MARTA AUTHORITY**

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☐ OTHER

Work Session: 03/11/2019

Council Meeting: 03/11/2019

SUBMITTED BY: Councilwoman Diane Adoma

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

RESOLUTION OF THE CITY OF STONECREST, GEORGIA

Purpose: To re-confirm, solidify, and execute commitments of the Metropolitan Atlanta Rapid Transit Authority ("MARTA") to extend heavy rail along the southeast corridor of Interstate-20 in South DeKalb County.

WHEREAS, South DeKalb County residents have paid a one-cent tax to fund MARTA operations and capital improvement since 1972; and

WHEREAS, There has been no rail expansion in South DeKalb County, while MARTA has extended rail to stations in Central DeKalb in the year 1993 (Indian Creek), and to North Fulton County & North DeKalb County in the year 1996 (Buckhead, Medical Center, Dunwoody) and the year 2000 (Sandy Springs & North Springs); and

WHEREAS, The 9th and 13th Amendments to the Rapid Transit Contract Agreement, as before now amended, specifies MARTA'S commitment to the extension of heavy rail from the Indian Creek MARTA station to the Stonecrest Mall area as a priority; and

WHEREAS, In April 2012, the MARTA Board of Directors approved a Heavy Rail Extension from the Indian Creek station to run parallel along Interstate-285 South, continuing east along Interstate-20 to the Stonecrest Mall area as a locally preferred alternative (LPA); and

WHEREAS, Residents of South/Southeast DeKalb County have limited access to the existing MARTA rail system and have expressed a desire to extend rail from the City of Atlanta to the City of Stonecrest.

NOW THEREFORE, BE IT RESOLVED THAT the elected members of the Stonecrest City government support extension of rail along the east side of Interstate-20 in South DeKalb County from the City of Atlanta to the City of Stonecrest as a part of the overall DeKalb County Mass Transit Plan, in conjunction with other modes of transportation such as light rail, bus rapid transit and the current bus system.

BE IT FURTHER RESOLVED THAT the elected members of the Stonecrest City Council hereby appeal to the appointed members of the MARTA Board of Directors and CEO, as well as the DeKalb County Board of Commissioners and CEO, to include in the DeKalb County Mass Transit Plan a written proposal for both heavy and light rail alternatives to extend the existing MARTA rail system from the City of Atlanta to the City of Stonecrest. Such proposals should include a comprehensive cost analysis and implementation timeline to enable the Stonecrest Mayor and City Council to make informed decisions regarding current and future transit plans.

This _____ day of March, 2019.

Jason Lary, Mayor



CITY COUNCIL AGENDA ITEM

**SUBJECT: RESOLUTION TO ELECT TO CONTINUE RECEIVING WATER AND
SEWER SERVICES FROM DEKALB COUNTY, GEORGIA**

☐ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☒ RESOLUTION	☐ OTHER

Work Session: 03/11/2019

Council Meeting: 03/11/2019

SUBMITTED BY:

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**A RESOLUTION OF THE CITY OF STONECREST, GEORGIA TO ELECT TO
CONTINUE RECEIVING WATER AND SEWER SERVICES FROM DEKALB
COUNTY, GEORGIA, AND TO OTHERWISE PERFORM ALL NECESSARY ACTS
TO ACCOMPLISH THE INTENT OF THIS RESOLUTION**

WHEREAS, the City of Stonecrest, Georgia is a municipality created by the 2016 Georgia General Assembly pursuant to Senate Bill 208 (hereinafter referred to as "SB 208"); and

WHEREAS, DeKalb County, Georgia is a constitutionally created political subdivision of the State of Georgia; and

WHEREAS, the City intends to continue receiving water and sewer services from DeKalb County, Georgia; and

WHEREAS, pursuant to O.C.G.A. 36-31-11.1(d) the County will continue to charge residents of the City of Stonecrest, Georgia the same fees for such services as charged by the County to residents in the unincorporated area of the County; and

WHEREAS, pursuant to O.C.G.A. 36-31-11.1(d) the City shall deliver a copy of the resolution to the governing authority of the County within thirty (30) days after the date the resolution is adopted.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, that:

1. The City of Stonecrest, a qualified municipality located within a county that charges fees on a periodic basis for the provision of water and sewer services, hereby elects to continue receiving such water and sewer services for the same fees charged residents in the unincorporated area of DeKalb County.
2. A copy of this Resolution shall be delivered to the governing authority of DeKalb County, Georgia within thirty (30) days after the date this Resolution is adopted.
3. Any and all resolutions, or any part thereof, in conflict with this Resolution are hereby repealed.

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the _____ day of _____, 2019.

Approved:

Jason Lary, Sr., Mayor

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION 2019-_____

37

38

39

40 Attest:

41

42

43

44 Leah Rodriguez, Acting City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: ORDINANCE ADOPTING CHAPTER 3 (ALARM SYSTEMS) OF THE CITY CODE

☒ ORDINANCE ☐ POLICY ☐ STATUS REPORT
☐ DISCUSSION ONLY ☐ RESOLUTION ☐ OTHER

Work Session: 03/11/2019

Council Meeting: 03/11/2019

SUBMITTED BY: Michael Harris

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 3 (ALARM SYSTEMS) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens and the City to provide a regulatory measure for an emergency response to alarm systems and to prevent false alarms that would needlessly occupy time of emergency personnel; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 3 (Alarm Systems).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 3. Alarm Systems" of the City Code to read and be codified as follows:

CHAPTER 3. ALARM SYSTEMS.

Sec. 3-1. Purpose.

(a) *Short title.* This Chapter shall be known as the "False Alarm Ordinance" and may be cited as such.

(b) *Purpose and intent.* This Chapter governs the responsible use and operation of alarm systems and implements measures to minimize the financial burden placed on the City by alarm system calls and false alarms. This Chapter is not intended to create new or to expand existing, if any, legal obligations of the City. The registration fees set forth in this Chapter are intended to require alarm system owners and alarm system companies to bear some of the cost of fire and police responses to all alarm system calls. The assessments set forth in this Chapter are intended to ensure compliance with this Chapter to defray a portion of the cost of false alarms, and to help reduce the number of false alarms.

Sec. 3-2. Definitions.

Words or terms not defined in this Chapter but defined in applicable state law or the Code of the City of Stonecrest, shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this Chapter shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

Alarm system means any system, device or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message or signal to an alarm system company, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a message or signal beyond the protected premises in some other fashion. An alarm system may consist of one (1) or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected or reports to an alarm system company, or constitutes a non-monitored alarm system, i.e., a system that does not transmit a message or signal to an alarm system company. The term "alarm system" does not include any system, device or mechanism primarily protecting a motor vehicle or constituting an individual medical alert.

Alarm system company means a company that charges a fee to monitor an alarm system placed, located, or protecting premises in the City of Stonecrest, including alarm system companies whose offices are physically located outside of City's geographical boundaries.

Alarm system owner means a person or company that owns or operates an alarm system and is not a customer of an alarm system company.

69 *Company* means an individual, sole proprietorship or organization,
70 whether the organization is operated by an individual, association, firm,
71 partnership, corporation or other entity.

72 *Customer of an alarm system company* means a person who pays a
73 fee to an alarm system company to monitor an alarm system placed,
74 located, or protecting premises in the City of Stonecrest.

75 *Dispatch* means the point in time when police officers, emergency
76 medical service providers, or fire personnel are directed to go to a
77 particular location in response to the activation of an alarm system.

78 *False alarm* means any activation of an alarm system that elicits a
79 response from the police department, or the fire department when there is
80 no appearance of an actual emergency or threatened criminal activity
81 necessitating a police or fire response. This definition includes, but is not
82 limited to, any alarm system activated as a result of weather, negligence,
83 accident, mechanical failure, electrical failure, or electrical surge.
84 Activation of an alarm system shall not be considered a false alarm if:

- 85 (a) The police department or fire department is notified prior to
86 dispatch to cancel any response;
87 (b) The alarm system was intentionally activated based upon a
88 reasonable belief that an emergency or actual or threatened
89 criminal activity requiring immediate police or fire response
90 existed; or
91 (c) The alarm system was activated by an attempted illegal entry of
92 which there is some evidence.

93 *Fire department* means the DeKalb County Fire Rescue
94 Department or the City of Stonecrest Fire Department if one is activated.

95 *Local* means within the geographical boundaries of the following
96 counties: Cherokee, Clayton, DeKalb, Fulton, Gwinnett, Henry, Newton,
97 Paulding and Rockdale.

Police chief means the City of Stonecrest Chief of Police or a Chief of a Police Department contracted by the City to provide police services.

Police department means the DeKalb County Police Department or the City of Stonecrest Police Department, if one is deployed.

Sec. 3-3. Registration of Alarm System Companies.

(a) *Registration required.* No alarm system company may monitor an alarm system placed, located, or protecting premises in the City of Stonecrest unless such alarm system company registers with the Police Department and, as part of such registration, identifies the name, local address and local telephone number of at least one (1) person who resides or works at a designated local address who shall serve as the authorized agent of the alarm system company. The authorized agent shall be the individual who is authorized by the alarm system company to receive all notices, citations and to pay all registration fees or fines assessed against the alarm system company pursuant to this Chapter.

(b) *Reporting updated information.* Whenever there is a change in any information recorded in an alarm system company's registration, the alarm system company must, within thirty (30) days of the change, update the registration on file with the Police Department. Registration information on file remains effective until ten (10) days after receipt of updated information.

(c) *Address information.* Every alarm system company shall provide to the Police Department, in whatever format the Police Chief may specify, including an electronic and searchable format, a complete listing of all customers of the alarm system company which shall include all addresses located in the City of Stonecrest that the alarm system company monitors, and the name and address of the

person or company who receives the monitoring bill. Each alarm system company shall update the list in a manner and on a schedule as specified by the Police Chief.

- (d) *Registration fee.* Alarm system companies shall be required to pay an annual registration fee in the amount established by Resolution of the Mayor and City Council.

Sec. 3-4. Registration of Alarm System Owners.

- (a) *Registration required.* No alarm system owner may operate an alarm system within the City of Stonecrest unless such alarm system is registered with the Police Department.

- (b) *Transfer of possession.* Whenever there is any change in ownership of an alarm system and/or premises or property protected by an alarm system, the new owner must, within thirty (30) days of the change, register as an alarm system owner; alarm system registration is not transferable.

- (c) *Reporting updated information.* Whenever there is a change in any information recorded in an alarm system owner's registration, the alarm system owner must, within thirty (30) days of the change, update the registration on file with the Police Department. Registration information on file remains effective until ten (10) days after receipt of updated information.

- (d) *Multiple registrations required.* If more than one (1) alarm system protects a single property, each alarm system must be registered separately. If one (1) alarm system protects more than one (1) structure or property, then the alarm system must be registered multiple times, once as to each structure or property.

- (e) *Registration fee.* Alarm system owners shall be required to pay an annual registration fee in an amount established by Resolution of the Mayor and City Council.

Sec. 3-5. Duties of an Alarm System Company and an Alarm System Owner.

An alarm system company or owner shall:

- (a) Appear, or cause another person to appear, at the location of the alarm system within forty-five (45) minutes of a request from the Police Department or Fire Department in order to provide access to the alarm system and/or de-activate a malfunctioning alarm system;
- (b) Limit any externally audible sounds triggered by an alarm system to a duration of no more than fifteen (15) minutes after being activated; and
- (c) Make readily available instructions about how to operate the alarm system. This obligation can be met by indicating on the alarm system how it operates; indicating on the alarm system where written instructions are to be found, provided that such written instructions are kept in the same room or space in which the alarm system is located; making someone available no more than forty-five (45) minutes after notice to answer questions posed by a police officer or fire personnel; or by any other means that may be approved by the Police Chief.

Sec. 3-6. Violations.

- (a) It shall be a violation of this Chapter if any alarm system owner, customer of an alarm system company, or an alarm system company:
 - (1) Fails to register if required to do so by this Chapter;
 - (2) Fails to pay all applicable registration fees when due;
 - (3) Fails to update any information as required by this Chapter;

- 190 (4) Activates any alarm system for the purpose of summoning
191 a police officer or fire personnel with actual knowledge that
192 there is no emergency;
- 193 (5) Uses an auto-dialer or telephonic recording, message,
194 signal or warning to notify the Emergency 9-1-1 System of
195 any alarm system activation;
- 196 (6) Connects directly to an alarm display panel located in the
197 communications center of the Police Department and/or
198 Fire Department without authorization; or
- 199 (7) Aids or abets in the commission of an act prohibited by this
200 section.

- 201 (b) The Police Department is authorized to disable immediately any
202 alarm system, communication or device that is directly connected
203 to an alarm display panel located in the communications center of
204 the Police Department and/or Fire Department without
205 authorization.

206
207 **Sec. 3-7. Jurisdiction and Penalties.**

208 Any alarm system company, customer of an alarm system companies or
209 alarm system owner who does anything prohibited by sections 3-3, 3-4, 3-
210 5 and 3-6, or who fails to do anything required by these sections, upon
211 citation or summons by the Police Chief, code enforcement officer or
212 other authorized City agent or employee, and who is convicted of said
213 violation in the Stonecrest Municipal Court, shall be subject to appropriate
214 penalties as imposed by the court. If convicted of violating any provision
215 of sections 3-3, 3-4, 3-5 and 3-6, the court shall impose a minimum fine of
216 four hundred and ninety-nine dollars (\$499.00) in addition to any other
217 authorized punishment imposed by the court.

218
219 **Sec. 3-8. False Alarms and Assessments.**
220

- 221 (a) An alarm system owner shall not activate or allow a false alarm to
222 be activated through the owner's alarm system.
- 223 (b) A customer of an alarm system company shall not activate or allow
224 a false alarm to be activated through alarm systems placed, located,
225 or protecting premises in the City. Customers of alarm system
226 companies shall be subject to an assessment for multiple false
227 alarms only where the false alarm occurs at the same location
228 within the preceding twelve-month period.
- 229 (c) For a failure to abide by the terms of this section, assessments will
230 be as follows:
- 231 (1) No assessment for a first false alarm.
- 232 (2) An assessment of fifty dollars (\$50.00) for a second false
233 alarm.
- 234 (3) An assessment of one hundred dollars (\$100.00) for a third
235 false alarm.
- 236 (4) An assessment of two hundred dollars (\$200.00) for a
237 fourth false alarm.
- 238 (5) An assessment of three hundred dollars (\$300.00) for a fifth
239 false alarm.
- 240 (6) An assessment of four hundred dollars (\$400.00) for a sixth
241 false alarm.
- 242 (7) An assessment of five hundred dollars (\$500.00) for a
243 seventh false alarm.
- 244 (8) An assessment of six hundred dollars (\$600.00) for an
245 eighth false alarm.
- 246 (9) An assessment of seven hundred dollars (\$700.00) for a
247 ninth false alarm.
- 248 (10) An assessment of eight hundred dollars (\$800.00) for a
249 tenth false alarm.

- (11) An assessment of nine hundred dollars (\$900.00) for each false alarm after the tenth false alarm.

Sec. 3-9. Notification and Appeal Process for Assessments.

- (a) The Police Chief shall have the authority to issue a notice of assessment, hereinafter referred to as the "notice," to alarm system owners, and/or customers of alarm system companies who do not abide by the requirements of section 3-8 of this Chapter. The notice shall briefly describe the facts forming the basis for the assessment, include the date and address of the incident, the amount of the assessment owed, and advise the person of the right to appeal the notice. The notice shall be sent via United States mail to the alarm system owner or customer of an alarm system company at the address on file as provided by this Chapter.
- (b) If no appeal is filed in the manner required by this Chapter, the assessment shall be paid to the Police Department. Should the alarm system owner or a customer of an alarm system company desire to appeal a notice, an appeal must be filed with the Police Chief within fifteen (15) calendar days after the date reflected on the notice. The person or entity filing the appeal, hereinafter referred to as the "appellant," must pay to the Police Department an appeal bond in an amount equal to the assessment at issue, and a non-refundable appeal filing fee of thirty-five dollars (\$35.00) at or before the appeal will be accepted for processing. The appeal shall be in the form of a letter, and shall identify all of the reasons that appellant believes the notice is improper or invalid. If the Police Chief agrees with reasons cited by the appellant in the appeal, the notice may be dismissed and no assessment shall be charged.
- (c) If the notice is not dismissed by the Police Chief, he/she shall enter or docket the appeal and notify the appropriate City

representative(s) or witness(es) and the appellant(s), in writing, of the date, time and place where a hearing will be held. The hearing shall be held before the City Manager or designated hearing officer within forty-five (45) calendar days of the date the appeal is entered or docketed. The parties may be represented by counsel, may present evidence, and may examine and cross-examine witnesses; the standard of proof shall be by a preponderance of the evidence and the City shall bear the burden of proof. A party is permitted no more than fifteen (15) minutes to present that party's case. Presentation of arguments and evidence may be in oral or written form. The City Manager or designated hearing officer shall grant or deny the appeal by issuing and mailing a written decision to the Police Chief and the appellant(s) within thirty (30) calendar days of the date of the hearing.

(d) The City Manager or designated hearing officer shall grant the appeal if he/she finds that issuance of the notice was based on an erroneous finding of material fact, or was arbitrary or capricious. If an appeal is granted, no assessment shall be charged to the appellant(s) and the appeal bond shall be returned to the appellant(s) by United States mail. If the appeal is denied, the appeal bond shall be kept by the City and utilized for police purposes. Should the City Manager or designated hearing officer fail to issue a timely decision, the appeal will be deemed granted and no assessment shall be charged to the appellant(s). The decision of the City Manager or designated hearing officer shall be final.

(e) Nothing in this Chapter shall be construed to prevent or limit the City from pursuing any and all available legal and equitable remedies to collect fines, assessments and enforce the provisions of this Chapter.

Sec. 3-10. Enforcement and Awareness Classes.

The Police Chief shall develop guidelines and forms, make recommendations and take such other steps as may be necessary to enforce the provisions of this Chapter. The Police Chief may create and implement awareness classes and may request the assistance of alarm system companies to develop and implement such classes. The classes shall be open to the public and shall provide instruction on how to reduce false alarms.

Sec. 3-11. Disclaimer/Immunities.

- (a) By enacting this Chapter, the City is seeking only to promote the health, safety and general welfare of its citizens and is not waiving any of the immunities provided to it or its officers by state or federal law.
- (b) By enacting this Chapter, no special duty or special relationship is created between the City, including its Police Officers and fire personnel, and persons who own real or personal property protected by an alarm system, persons who are physically present at or in the vicinity of property protected by an alarm system, or anyone else who may be relying upon or operating an alarm system in any way, including without limitation alarm system owners or alarm system companies. There is no intent to create liability to any person who claims that the enactment, enforcement or violation of this Chapter caused injury or loss of any kind.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____,
2019.

Approved:

Jason Lary, Sr., Mayor

As to form:

Winston Denmark, City Attorney

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

388 Attest:

389

390

391

392 Leah Rodriguez, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: FIRE PREVENTION ORDINANCE

☒ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☒ OTHER

Work Session: 03/25/2019

Council Meeting: 03/25/2019

SUBMITTED BY:

PURPOSE: Second Read

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 12 (FIRE PREVENTION AND PROTECTION) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens to provide for regulation and administration of fire prevention in the City; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 12 (Fire Prevention and Protection).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 12. Fire Prevention and Protection" of the City Code to read and be codified as follows:

CHAPTER 12. FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL.

Sec. 12-1. Definitions.

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

Apartment building means building containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, garden apartment, or by any other name.

Battery backup means any emergency power supply for power-assisted gates operated by electrical power.

Breakaway security gate means any gate designed to fall away under pressure.

38 *Case hardened metal* means a steel alloy formed by diffusing
39 carbon or nitrogen into the outer layer of the steel at high temperature such
40 that the metal cannot be cut with a saw, and will not shatter.

41 *Combustible* means any material that is capable of supporting
42 ignition or the process of burning under heat exposure.

43 *Delayed response* means any postponement of an emergency
44 vehicle gaining access through security barriers.

45 *Disposal* means the discharge, deposit, injection, dumping,
46 spilling, leaking, or placing of any hazardous substances or hazardous
47 waste into or on any land or water so that such substances or waste may
48 enter the environment or be emitted into the air or discharged into any
49 water, including groundwater.

50 *Dormitory* means buildings or spaces in buildings where group
51 sleeping accommodations are provided for persons not members of the
52 same family group in one room or in a series of closely associated rooms
53 under joint occupancy and single management, as in college dormitories
54 or other housing for students, fraternity houses, military barracks; with or
55 without meals, but without individual cooking facilities.

56 *Emergency shutoff button* means a device used to release hydraulic
57 pressure on power-assisted gates operated by hydraulic power.

58 *Fire apparatus* means any vehicle or equipment used by fire and
59 rescue services.

60 *Fire Marshal* means a qualified officer who will perform fire
61 marshal services for the City.

62 *Gamewell lock box* means a box, sometimes called an elevator lock
63 box, which must be opened with a special key carried on fire response
64 vehicles.

65 *Gravity gate* means a gate with no power assistance and which
66 operates freely under manual manipulation.

Hazardous explosive chemicals means all picric acids, nitro-based chemicals, ethers, peroxides, oxidizers, and such other chemicals as may be determined by the Fire Marshal to be hazardous explosives.

Hazardous substance means a substance that satisfies any one of the following requirements:

- (1) A substance which, because of the toxic or hazardous properties which it exhibits, is determined by the Director of the Environmental Protection Division of the State Department of Natural Resources to represent a significant risk to the public health and safety as a result of foreseeable use, handling, accidental spill, exposure or contamination;
- (2) A substance that is known to present a significant risk of personal injury or illness as the foreseeable result of use, handling, accidental spills, exposure or contamination; or
- (3) A substance or material that has been determined to pose an unreasonable risk to health, safety, and property.

Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal regulation in force and effective February 1, 1986, codified as 40 CFR 261—Identification and Listing of Hazardous Waste, as amended.

Hazardous waste generation means the act or process of producing hazardous waste.

High-rise residential occupancy building means residential properties, hotels, dormitories, apartments, lodging or room houses, or board and care facilities over 75 feet or 23 meters in height measured from the lowest level of fire department vehicle access to the floor of the highest occupied story.

Hotel/motel means a building in which separate sleeping rooms are rented that provide sleeping accommodations for 15 persons or more on

either a transient or permanent basis, with or without meals, whether designated as a hotel, inn, club, motel, or by any other name.

Improper storage means storage of chemicals past the expiration date on the label or chemicals stored in any area or container not designed for storage of the particular chemical. If there is no date listed for the expiration date, the expiration date shall be 12 months past the date that the chemical was received by the person or entity storing the chemical.

Knox Box Rapid Entry System means a key box that is authorized by section 506 of the International Fire Code and allows firefighting access for fire department purposes. Examples of structures or areas in which a key box is required include commercial and industrial structures protected by an automatic alarm system or automatic suppression system or structures that are secured in a manner that restricts access during an emergency; multi-family residential structures that have restricted access through locked doors and have a common corridor for access to all the living units; governmental structures and nursing care facilities; hazardous material occupancies; and occupancies where a large number of medical or fire alarms occur and entry can be delayed.

Lodginghouse or *roominghouse* means a building in which separate sleeping rooms are rented which provides sleeping accommodations for 15 or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants.

Pad lock means any lock that is not constructed of case hardened metal.

Power assisted gate means any gate that is operated through a power source, whether electrical, hydraulic or pneumatic.

Residential property means buildings containing three or more living units with independent cooking and bathroom facilities, whether

designated as apartment house, tenement, garden apartment, condominium
or by any other name.

Substance means any element, entity, compound, combination, or
any mixture thereof, whether organic or inorganic.

Toggle switch means a device used to operate a power-assisted
gate and override the power supply to the gate.

Sec. 12-2. Scope.

(a) The provisions of this Chapter shall apply equally to both public
and private property, and to all structures and their occupants,
except as otherwise specified herein or by other applicable law.

(b) The City shall have the authority to contract with any other
government entity for the enforcement of this Chapter and to enter
into any intergovernmental agreements for the provision of fire and
rescue services.

Sec. 12-3. False Fire Report.

It shall be unlawful for any person to transmit or cause to be
transmitted in any manner to fire and rescue services a false report of a
fire, knowing at the time there is no factual basis for believing that such a
fire exists. Such a violation shall be prosecuted under applicable state law
as a misdemeanor.

Sec. 12-4 - Sec. 12-24. Reserved.

ARTICLE II. ADMINISTRATION.

Sec. 12-25. Duties of the Fire Marshall.

(a) Other than those services provided by DeKalb County, pursuant to
that Intergovernmental Agreement for the Provision of Fire Rescue
Services dated _____, as amended (the "Fire IGA"),

the services to be performed by the Fire Marshal shall include the inspections of new buildings and renovations to existing buildings for compliance with the fire code, including the following:

- (1) Reviewing and approving plans for both new construction and renovations of existing structures;
- (2) Final inspections for life safety for all commercial and multifamily buildings;
- (3) Inspections for new business licenses or change of occupancy, in conjunction with the building official; and
- (4) Inspections required for setting occupancy load, in conjunction with the building official.

(b) The Fire Marshal shall possess the education, training and experience required by state law for such position.

(c) The Fire Marshal or his designee shall remit all site plans receiving an approval for life safety by the Fire Marshal to DeKalb County's Fire Chief.

Sec. 12-26. Construction Plans Approval.

It shall be unlawful to construct, erect or alter any building without construction documents approved by the Fire Marshal for fire department accessibility, fire hydrant requirements, fire code requirements, occupancy load, aboveground and underground flammable and combustible liquids tank installations and fire protection and suppression systems, including, but not limited to, sprinklers.

Sec. 12-27. Permits.

The City shall have the authority to issue permits and to collect fees for plan review, permit and inspection in connection with commercial and multifamily buildings constructed or renovated in the City in amounts set by Resolution of the City Council as well as for reimbursement for other

review or inspection services provided in this Chapter, in this Code or by law.

Sec. 12-28. – Section 12-57. Reserved.

ARTICLE III. REGULATIONS AND ADOPTED CODES

Sec. 12-58. Adoption of State Fire Safety Rules..

Pursuant to O.C.G.A. § 25-2-1 et seq. and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the state minimum fire safety standards now and as may hereafter be promulgated by the Georgia Safety Fire Commissioner. In the event the Fire Marshal determines that the provisions of the state minimum fire safety standards conflict with the provisions of the International Fire Code adopted in section 12-59, then the most restrictive provision as determined by the Fire Marshal shall govern.

Sec. 12-59. Adoption of International Fire Code.

Pursuant to O.C.G.A. §§ 8-2-20 and 8-2-25 and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the International Fire Code, including chapter 1, Administration. As allowed in O.C.G.A. § 8-2-25, the provisions of the International Fire Code are modified and amended in sections 12-60 through 12-63. In the event the Fire Marshal determines that the provisions of the International Fire Code conflict with the provisions of the state minimum fire safety standards adopted in section 12-58, then the most restrictive provision as determined by the Fire Marshal shall govern..

Sec. 12-60. Amendments to the International Fire Code.

- (a) The International Fire Code is hereby amended by omitting section 108, Board of Appeals of chapter 1, Administration and section 108 shall not be adopted by the City.

- (b) The International Fire Code is hereby amended by adopting Appendix C—Fire Hydrant Locations and Distribution and Appendix D—Fire Apparatus Access Roads.

Sec. 12-61. Spread of Fire.

- (a) All combustible landscaping materials shall be placed at least 36 inches away from the edge of any building having an external skin of either combustible sheathing or combustible siding. Aluminum siding, vinyl siding, non-treated wood siding and similar materials shall be considered combustible for the purpose of this section. This section shall not be interpreted to prohibit the planting of shrubs, trees and other live plant materials closer than 36 inches away from the edge of any other building.
- (b) It shall be unlawful for any person to ignite a fire of any type within ten (10) feet of a combustible building, including ignition under combustible overhangs and balconies.

Sec. 12-62. Automatic Fire Extinguisher System Required.

- (a) All new or substantially rehabilitated multifamily dwellings properties shall be fully sprinkled in accordance with the latest adopted edition of the National Fire Protection Association publications 13 (NFPA-13) or 13R (NFPA 13R).
- (b) All high-rise residential occupancy buildings shall have an approved sprinkler system installed in accordance with NFPA-13.

Sec. 12-63. Security Gate/Barrier Installation Requirements Other than One- and Two-Family Dwellings.

- (a) *Definitions .*

- (1) *RFID* means radio frequency identification and, for the purpose of this section, refers to a mode of access to open a

254 gate in a gated community utilizing radio frequency waves
255 to activate the gate's locking mechanism and opening the
256 gate.

257 (2) *SOS* means siren operating sensor and, for the purpose of
258 this section, refers to a sensor that triggers the opening of
259 gated access as a result of the emergency vehicle siren.

260 (3) *Emergency vehicle* means any marked or unmarked law
261 enforcement vehicle, fire truck, fire rescue staff vehicle,
262 ambulance and/or ambulance staff vehicle and rescue units.

263 (4) *Existing gated development* means a gated development
264 that has obtained construction plan approval prior to the
265 effective date of this ordinance.

266 (5) *Gated development* means any residential development
267 which may be fenced and has a secured gate located at the
268 roadway entrance to the facility, preventing free access by
269 the public.

270 (6) *New gated development* means a gated development that
271 has obtained construction plan approval after the effective
272 date of this ordinance.

273 (b) *Installation requirements for all gates.*

274 (1) All gates shall have a minimum width of 20 feet to allow
275 for fire apparatus access.

276 (2) All gates shall have signage indicating gate direction of
277 travel.

278 (3) All objects on a gate that may obstruct the path of
279 emergency vehicles must be covered with reflective paint,
280 tape or lights sufficient to guide vehicles around the
281 obstruction.

282 (4) The owner of the property shall ensure that all hydraulic
283 gates are disabled and left in the open position when the

- 284 temperature is expected to drop below 25 degrees
285 Fahrenheit.
- 286 (5) If a gate is located on a turn, the turn must have a 35-foot
287 clear inside radius and a 50-foot clear outside radius.
- 288 (6) Gate installers shall provide information on the operational
289 features of the gate to the Fire Marshal prior to the
290 installation of any security gate.
- 291 (7) The Fire Marshal prior to installation of any security gate
292 must approve its operational features.
- 293 (8) When gates are opened for emergency access, they shall
294 remain open until reactivated.
- 295 (9) Construction plans or blueprints shall be submitted to the
296 Community Development Department for approval by the
297 Fire Marshal prior to an owner or applicant beginning work
298 on the installation of a gate.
- 299 (10) Each new or existing gated development to which access is
300 limited by security gate(s) that are unmanned or otherwise
301 not physically attended by a person on a 24-hour basis shall
302 be required to install an RFID/SOS gate access system on
303 each roadway entrance gate to allow for silent radio
304 frequency or siren-activated access by emergency vehicles.
305 This requirement shall apply to all such gates that are part
306 of a gated development, whether leading outside the
307 development or internal to the development.
- 308 (11) The City shall bear the cost of the RFID/SOS system for
309 existing gated developments. Gated development approved
310 after the effective date of this section shall bear the cost of
311 the RFID/SOS system. Gated developments, whether
312 existing or new, shall bear the cost of continuous
313 maintenance of their RFID/SOS system.

(12) Existing gated developments shall have 12 months from the effective date of this ordinance to comply with the provisions of this section. Gated developments developed after the effective date of this ordinance shall comply with this section prior to or concurrent with installation of an unmanned security gate.

(13) Failure to install and continuously maintain the required RFID/SOS gate access system in conformance with the provisions of this section shall be a violation of this section. This section shall be administered by the Stonecrest Fire Marshal or designee.

(14) The provisions of this section are intended to ensure a minimum level of access by emergency personnel during emergencies and shall not be construed to guarantee the safety of a gated development during an emergency.

(c) *Installation requirement for power-assisted gates.*

(1) Property owners shall ensure that Gamewell lock boxes or any means of security approved by the Fire Marshal shall conform to the requirements of this Chapter.

(2) Power assisted gates shall contain a toggle switch to manually operate the gate and override the power.

(3) The property owner shall install in gates operated by electrical means a battery backup to keep the toggle switch operational.

(4) The property owner shall also ensure that the power-assisted gate is equipped to operate manually.

(5) Property owners shall ensure that hydraulic gates have an emergency button or knob to release pressure. The button or knob shall be located at the hydraulic arm, and one shutoff is required for each arm. If the emergency shutoff is

used, the gate must be capable of being secured to prevent it from swinging back to the closed position.

(d) *Installation requirements for gravity gate locking devices.*

(1) Pad locks may be used to secure a gate only if the pad lock is not constructed of case hardened metals.

(2) Gates shall be installed to allow fire apparatus to access the property and not impede the flow of traffic. This includes a sufficient distance to allow gates to open if swinging in the direction of the fire apparatus.

(e) *Installation requirements for chain and pole security barriers.*

(1) Property owners must seek approval from the Fire Marshal prior to the use of chain and pole barriers.

(2) Chains and pole barriers must not be constructed of case hardened metal.

(f) *Installation requirements for break-away security gates.*

(1) When the security gate arm is raised, the property owner must ensure that the arm remains raised until reset for normal operation.

(2) The mechanism for overriding the gate shall be accessible to the employees of the fire rescue service provider.

(3) When in use, the gate arm should be open to an angle greater than 90 degrees to the terrain of the driveway.

Sec. 12-64 – 12-84. Reserved.

ARTICLE IV. INSPECTIONS, VIOLATIONS AND PENALTIES.

Sec. 12-85. Responsibility for Violations.

It shall be unlawful for any person to violate the provisions of this Chapter, to permit or maintain such a violation, to refuse to obey any

provision thereof, or to fail or refuse to comply with any such provision or regulation.

Sec. 12-86. Penalties for Violation.

(a) Any person who violates any of the provisions of this Chapter as hereby adopted or fails to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement or specifications of plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall for each and every such violation or noncompliance, be guilty of an ordinance violation and, where applicable, State or Federal law. Upon conviction of the violation in a court of competent jurisdiction, the individual shall be subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

(b) The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Any person convicted of a violation under this Chapter shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the penalty stated in this section shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 12-87 – 12-115. Reserved.

ARTICLE V. HAZARDOUS EXPLOSIVE CHEMICALS.

Sec. 12-116. Improper Storage Prohibited.

It shall be unlawful for any person or institution to keep hazardous explosive chemicals, which are used or stored for which the expiration date has passed.

Sec. 12-117 – 12-145. Reserved.

ARTICLE VI. OPEN BURNING.

Sec. 12-146. Permitted and Prohibited Burning.

(a) No person shall cause, suffer, allow or permit open burning in any area of the City except as follows:

(1) Open burning in a reasonable fashion for the purpose of cooking food for immediate human consumption, provided, however, except for one- and two-family dwellings, it shall be unlawful to use charcoal burners or other open flame cooking devices on combustible balconies or within ten (10) feet of combustible construction.

(2) Operation of devices using open flames such as candles, lanterns, tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment where approved safety measures are used.

(3) Open burning in other than residential areas for the purpose of land clearing or construction or maintenance of right-of-way.

(4) Warming fires in a barrel of 55-gallon capacity or less, or other commercially sold outdoor fireplace devices, provided that:

a. The fire does not produce dense smoke or obnoxious odors; and

b. The fire is attended by an individual over the age of 17 years.

Untreated wood or lumber shall be the only material or substance allowed in the warming fire.

(b) Open burning allowed as set forth in subsection (a) of this section shall meet the following standards:

- (1) Materials such as heavy oils, gasoline, asphaltic materials, plastic, items containing natural or synthetic rubber, or any other material producing dense smoke or obnoxious odors shall not be used for starting or maintaining an open fire.
- (2) All burning shall be located on private property, so as not to interfere with any traffic on public streets or sidewalks.
- (3) No burning shall be allowed in violation of restrictions imposed by the Federal Environmental Protection Agency or the State Environmental Protection Division or other rules and regulations adopted herein, including the state minimum fire safety standards.

Sec. 12-147 – 12-175. Reserved.

ARTICLE VII. FIREWORKS.

Sec. 12-176. 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. In the event that any definitions used in this Article conflict with those contained in O.C.G.A. § 25-10-1 et seq., the definitions contained in O.C.G.A. § 25-10-1 et seq., as amended, shall control.

Consumer fireworks means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations (16 CFR

1500 and 1507), the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations (49 CFR 172), and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term "consumer fireworks" shall not include:

- (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and
- (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Fireworks means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term "fireworks" does not include:

- (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol

paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor does the term "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and

- (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Sec. 12-177. Fireworks Activities Restricted.

Except as permitted under State Law and as otherwise permitted in this Article, it shall be unlawful for any person, firm, corporation, association or partnership to offer for sale at retail or wholesale, or to use or explode or cause to be exploded, or to possess, manufacture, or store any consumer fireworks or fireworks within the City.

Sec. 12-178. Public Exhibitions or Display of Fireworks.

Public exhibitions or displays of fireworks shall be allowed if properly permitted according to the provisions of O.C.G.A. Title 25, Chapter 10.

Sec. 12-179. Penalty for Violation of Article.

Any person violating the provisions of this Article shall be subject to punishment, and upon conviction, subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

Sec. 12-180 – 12-200. Reserved.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____,
2019.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584

Approved:

Jason Lary, Sr., Mayor

As to form:

Winston Denmark, City Attorney

Attest:

Leah Rodriguez, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: ORDINANCE ADOPTING CHAPTER 3 (ALARM SYSTEMS) OF THE CITY CODE

☒ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☐ OTHER

Work Session: 03/25/2019

Council Meeting: 03/25/2019

SUBMITTED BY:

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING**
2 **CHAPTER 3 (ALARM SYSTEMS) OF THE CITY CODE.**

3
4 **WHEREAS,** the City of Stonecrest, Georgia Mayor and City Council are authorized by
5 the City Charter to provide for the general health, safety and welfare of the
6 citizens of the City; and

7
8 **WHEREAS** the Mayor and City Council find it to benefit the welfare of the citizens
9 and the City to provide a regulatory measure for an emergency response to
10 alarm systems and to prevent false alarms that would needlessly occupy
11 time of emergency personnel; and

12
13 **WHEREAS,** this Ordinance shall be adopted as part of the City of Stonecrest City
14 Code, as Chapter 3 (Alarm Systems).

15
16 **THEREFORE,** the Mayor and City Council of the City of Stonecrest, Georgia hereby
17 ordain as follows:

18
19 **Section 1:** The Mayor and City Council of the City of Stonecrest, Georgia,
20 hereby adopt an Ordinance designated as "Chapter 3. Alarm Systems" of the City
21 Code to read and be codified as follows:

22
23 **CHAPTER 3. ALARM SYSTEMS.**

24
25 **Sec. 3-1. Purpose.**

- 26
27 (a) *Short title.* This Chapter shall be known as the "False Alarm
28 Ordinance" and may be cited as such.
- 29 (b) *Purpose and intent.* This Chapter governs the responsible use and
30 operation of alarm systems and implements measures to minimize
31 the financial burden placed on the City by alarm system calls and
32 false alarms. This Chapter is not intended to create new or to
33 expand existing, if any, legal obligations of the City. The
34 registration fees set forth in this Chapter are intended to require
35 alarm system owners and alarm system companies to bear some of
36 the cost of fire and police responses to all alarm system calls. The
37 assessments set forth in this Chapter are intended to ensure
38 compliance with this Chapter to defray a portion of the cost of
39 false alarms, and to help reduce the number of false alarms.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

69 *Company* means an individual, sole proprietorship or organization,
70 whether the organization is operated by an individual, association, firm,
71 partnership, corporation or other entity.

72 *Customer of an alarm system company* means a person who pays a
73 fee to an alarm system company to monitor an alarm system placed,
74 located, or protecting premises in the City of Stonecrest.

75 *Dispatch* means the point in time when police officers, emergency
76 medical service providers, or fire personnel are directed to go to a
77 particular location in response to the activation of an alarm system.

78 *False alarm* means any activation of an alarm system that elicits a
79 response from the police department, or the fire department when there is
80 no appearance of an actual emergency or threatened criminal activity
81 necessitating a police or fire response. This definition includes, but is not
82 limited to, any alarm system activated as a result of weather, negligence,
83 accident, mechanical failure, electrical failure, or electrical surge.
84 Activation of an alarm system shall not be considered a false alarm if:

- 85 (a) The police department or fire department is notified prior to
86 dispatch to cancel any response;
87 (b) The alarm system was intentionally activated based upon a
88 reasonable belief that an emergency or actual or threatened
89 criminal activity requiring immediate police or fire response
90 existed; or
91 (c) The alarm system was activated by an attempted illegal entry of
92 which there is some evidence.

93 *Fire department* means the DeKalb County Fire Rescue
94 Department or the City of Stonecrest Fire Department if one is activated.

95 *Local* means within the geographical boundaries of the following
96 counties: Cherokee, Clayton, DeKalb, Fulton, Gwinnett, Henry, Newton,
97 Paulding and Rockdale.

129 person or company who receives the monitoring bill. Each alarm
130 system company shall update the list in a manner and on a
131 schedule as specified by the Police Chief.

132 (d) *Registration fee.* Alarm system companies shall be required to pay
133 an annual registration fee in the amount established by Resolution
134 of the Mayor and City Council.

135
136 **Sec. 3-4. Registration of Alarm System Owners.**

137 (a) *Registration required.* No alarm system owner may operate an
138 alarm system within the City of Stonecrest unless such alarm
139 system is registered with the Police Department.

140
141 (b) *Transfer of possession.* Whenever there is any change in ownership
142 of an alarm system and/or premises or property protected by an
143 alarm system, the new owner must, within thirty (30) days of the
144 change, register as an alarm system owner; alarm system
145 registration is not transferable.

146 (c) *Reporting updated information.* Whenever there is a change in any
147 information recorded in an alarm system owner's registration, the
148 alarm system owner must, within thirty (30) days of the change,
149 update the registration on file with the Police Department.
150 Registration information on file remains effective until ten (10)
151 days after receipt of updated information.

152 (d) *Multiple registrations required.* If more than one (1) alarm system
153 protects a single property, each alarm system must be registered
154 separately. If one (1) alarm system protects more than one (1)
155 structure or property, then the alarm system must be registered
156 multiple times, once as to each structure or property.

157 (e) *Registration fee.* Alarm system owners shall be required to pay an
158 annual registration fee in an amount established by Resolution of
159 the Mayor and City Council.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

- 190 (4) Activates any alarm system for the purpose of summoning
191 a police officer or fire personnel with actual knowledge that
192 there is no emergency;
- 193 (5) Uses an auto-dialer or telephonic recording, message,
194 signal or warning to notify the Emergency 9-1-1 System of
195 any alarm system activation;
- 196 (6) Connects directly to an alarm display panel located in the
197 communications center of the Police Department and/or
198 Fire Department without authorization; or
- 199 (7) Aids or abets in the commission of an act prohibited by this
200 section.

- 201 (b) The Police Department is authorized to disable immediately any
202 alarm system, communication or device that is directly connected
203 to an alarm display panel located in the communications center of
204 the Police Department and/or Fire Department without
205 authorization.

206
207 **Sec. 3-7. Jurisdiction and Penalties.**

208 Any alarm system company, customer of an alarm system companies or
209 alarm system owner who does anything prohibited by sections 3-3, 3-4, 3-
210 5 and 3-6, or who fails to do anything required by these sections, upon
211 citation or summons by the Police Chief, code enforcement officer or
212 other authorized City agent or employee, and who is convicted of said
213 violation in the Stonecrest Municipal Court, shall be subject to appropriate
214 penalties as imposed by the court. If convicted of violating any provision
215 of sections 3-3, 3-4, 3-5 and 3-6, the court shall impose a minimum fine of
216 four hundred and ninety-nine dollars (\$499.00) in addition to any other
217 authorized punishment imposed by the court.

218
219 **Sec. 3-8. False Alarms and Assessments.**
220

- (11) An assessment of nine hundred dollars (\$900.00) for each false alarm after the tenth false alarm.

Sec. 3-9. Notification and Appeal Process for Assessments.

- (a) The Police Chief shall have the authority to issue a notice of assessment, hereinafter referred to as the "notice," to alarm system owners, and/or customers of alarm system companies who do not abide by the requirements of section 3-8 of this Chapter. The notice shall briefly describe the facts forming the basis for the assessment, include the date and address of the incident, the amount of the assessment owed, and advise the person of the right to appeal the notice. The notice shall be sent via United States mail to the alarm system owner or customer of an alarm system company at the address on file as provided by this Chapter.
- (b) If no appeal is filed in the manner required by this Chapter, the assessment shall be paid to the Police Department. Should the alarm system owner or a customer of an alarm system company desire to appeal a notice, an appeal must be filed with the Police Chief within fifteen (15) calendar days after the date reflected on the notice. The person or entity filing the appeal, hereinafter referred to as the "appellant," must pay to the Police Department an appeal bond in an amount equal to the assessment at issue, and a non-refundable appeal filing fee of thirty-five dollars (\$35.00) at or before the appeal will be accepted for processing. The appeal shall be in the form of a letter, and shall identify all of the reasons that appellant believes the notice is improper or invalid. If the Police Chief agrees with reasons cited by the appellant in the appeal, the notice may be dismissed and no assessment shall be charged.
- (c) If the notice is not dismissed by the Police Chief, he/she shall enter or docket the appeal and notify the appropriate City

Sec. 3-10. Enforcement and Awareness Classes.

The Police Chief shall develop guidelines and forms, make recommendations and take such other steps as may be necessary to enforce the provisions of this Chapter. The Police Chief may create and implement awareness classes and may request the assistance of alarm system companies to develop and implement such classes. The classes shall be open to the public and shall provide instruction on how to reduce false alarms.

Sec. 3-11. Disclaimer/Immunities.

- (a) By enacting this Chapter, the City is seeking only to promote the health, safety and general welfare of its citizens and is not waiving any of the immunities provided to it or its officers by state or federal law.
- (b) By enacting this Chapter, no special duty or special relationship is created between the City, including its Police Officers and fire personnel, and persons who own real or personal property protected by an alarm system, persons who are physically present at or in the vicinity of property protected by an alarm system, or anyone else who may be relying upon or operating an alarm system in any way, including without limitation alarm system owners or alarm system companies. There is no intent to create liability to any person who claims that the enactment, enforcement or violation of this Chapter caused injury or loss of any kind.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

388 Attest:

389

390

391

392 _____
Leah Rodriguez, City Clerk

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 12 (FIRE PREVENTION AND PROTECTION) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens to provide for regulation and administration of fire prevention in the City; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 12 (Fire Prevention and Protection).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 12. Fire Prevention and Protection" of the City Code to read and be codified as follows:

CHAPTER 12. FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL.

Sec. 12-1. Definitions.

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

Apartment building means building containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, garden apartment, or by any other name.

Battery backup means any emergency power supply for power-assisted gates operated by electrical power.

Breakaway security gate means any gate designed to fall away under pressure.

67 *Hazardous explosive chemicals* means all picric acids, nitro-based
68 chemicals, ethers, peroxides, oxidizers, and such other chemicals as may
69 be determined by the Fire Marshal to be hazardous explosives.

70 *Hazardous substance* means a substance that satisfies any one of
71 the following requirements:

- 72 (1) A substance which, because of the toxic or hazardous
73 properties which it exhibits, is determined by the Director
74 of the Environmental Protection Division of the State
75 Department of Natural Resources to represent a significant
76 risk to the public health and safety as a result of foreseeable
77 use, handling, accidental spill, exposure or contamination;
- 78 (2) A substance that is known to present a significant risk of
79 personal injury or illness as the foreseeable result of use,
80 handling, accidental spills, exposure or contamination; or
- 81 (3) A substance or material that has been determined to pose an
82 unreasonable risk to health, safety, and property.

83 *Hazardous waste* means any solid waste which has been defined as
84 a hazardous waste in regulations promulgated by the administrator of the
85 United States Environmental Protection Agency pursuant to the federal
86 regulation in force and effective February 1, 1986, codified as 40 CFR
87 261—Identification and Listing of Hazardous Waste, as amended.

88 *Hazardous waste generation* means the act or process of producing
89 hazardous waste.

90 *High-rise residential occupancy building* means residential
91 properties, hotels, dormitories, apartments, lodging or room houses, or
92 board and care facilities over 75 feet or 23 meters in height measured from
93 the lowest level of fire department vehicle access to the floor of the
94 highest occupied story.

95 *Hotel/motel* means a building in which separate sleeping rooms are
96 rented that provide sleeping accommodations for 15 persons or more on

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

designated as apartment house, tenement, garden apartment, condominium
or by any other name.

Substance means any element, entity, compound, combination, or
any mixture thereof, whether organic or inorganic.

Toggle switch means a device used to operate a power-assisted
gate and override the power supply to the gate.

Sec. 12-2. Scope.

- (a) The provisions of this Chapter shall apply equally to both public
and private property, and to all structures and their occupants,
except as otherwise specified herein or by other applicable law.
- (b) The City shall have the authority to contract with any other
government entity for the enforcement of this Chapter and to enter
into any intergovernmental agreements for the provision of fire and
rescue services.

Sec. 12-3. False Fire Report.

It shall be unlawful for any person to transmit or cause to be
transmitted in any manner to fire and rescue services a false report of a
fire, knowing at the time there is no factual basis for believing that such a
fire exists. Such a violation shall be prosecuted under applicable state law
as a misdemeanor.

Sec. 12-4 - Sec. 12-24. Reserved.

ARTICLE II. ADMINISTRATION.

Sec. 12-25. Duties of the Fire Marshall.

- (a) Other than those services provided by DeKalb County, pursuant to
that Intergovernmental Agreement for the Provision of Fire Rescue
Services dated _____, as amended (the "Fire IGA"),

review or inspection services provided in this Chapter, in this Code or by law.

Sec. 12-28. – Section 12-57. Reserved.

ARTICLE III. REGULATIONS AND ADOPTED CODES

Sec. 12-58. Adoption of State Fire Safety Rules..

Pursuant to O.C.G.A. § 25-2-1 et seq. and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the state minimum fire safety standards now and as may hereafter be promulgated by the Georgia Safety Fire Commissioner. In the event the Fire Marshal determines that the provisions of the state minimum fire safety standards conflict with the provisions of the International Fire Code adopted in section 12-59, then the most restrictive provision as determined by the Fire Marshal shall govern.

Sec. 12-59. Adoption of International Fire Code.

Pursuant to O.C.G.A. §§ 8-2-20 and 8-2-25 and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the International Fire Code, including chapter 1, Administration. As allowed in O.C.G.A. § 8-2-25, the provisions of the International Fire Code are modified and amended in sections 12-60 through 12-63. In the event the Fire Marshal determines that the provisions of the International Fire Code conflict with the provisions of the state minimum fire safety standards adopted in section 12-58, then the most restrictive provision as determined by the Fire Marshal shall govern..

Sec. 12-60. Amendments to the International Fire Code.

- (a) The International Fire Code is hereby amended by omitting section 108, Board of Appeals of chapter 1, Administration and section 108 shall not be adopted by the City.

- 254 gate in a gated community utilizing radio frequency waves
255 to activate the gate's locking mechanism and opening the
256 gate.
- 257 (2) *SOS* means siren operating sensor and, for the purpose of
258 this section, refers to a sensor that triggers the opening of
259 gated access as a result of the emergency vehicle siren.
- 260 (3) *Emergency vehicle* means any marked or unmarked law
261 enforcement vehicle, fire truck, fire rescue staff vehicle,
262 ambulance and/or ambulance staff vehicle and rescue units.
- 263 (4) *Existing gated development* means a gated development
264 that has obtained construction plan approval prior to the
265 effective date of this ordinance.
- 266 (5) *Gated development* means any residential development
267 which may be fenced and has a secured gate located at the
268 roadway entrance to the facility, preventing free access by
269 the public.
- 270 (6) *New gated development* means a gated development that
271 has obtained construction plan approval after the effective
272 date of this ordinance.
- 273 (b) *Installation requirements for all gates.*
- 274 (1) All gates shall have a minimum width of 20 feet to allow
275 for fire apparatus access.
- 276 (2) All gates shall have signage indicating gate direction of
277 travel.
- 278 (3) All objects on a gate that may obstruct the path of
279 emergency vehicles must be covered with reflective paint,
280 tape or lights sufficient to guide vehicles around the
281 obstruction.
- 282 (4) The owner of the property shall ensure that all hydraulic
283 gates are disabled and left in the open position when the

- 314 (12) Existing gated developments shall have 12 months from the
315 effective date of this ordinance to comply with the
316 provisions of this section. Gated developments developed
317 after the effective date of this ordinance shall comply with
318 this section prior to or concurrent with installation of an
319 unmanned security gate.
- 320 (13) Failure to install and continuously maintain the required
321 RFID/SOS gate access system in conformance with the
322 provisions of this section shall be a violation of this section.
323 This section shall be administered by the Stonecrest Fire
324 Marshal or designee.
- 325 (14) The provisions of this section are intended to ensure a
326 minimum level of access by emergency personnel during
327 emergencies and shall not be construed to guarantee the
328 safety of a gated development during an emergency.
- 329 (c) *Installation requirement for power-assisted gates.*
- 330 (1) Property owners shall ensure that Gamewell lock boxes or
331 any means of security approved by the Fire Marshal shall
332 conform to the requirements of this Chapter.
- 333 (2) Power assisted gates shall contain a toggle switch to
334 manually operate the gate and override the power.
- 335 (3) The property owner shall install in gates operated by
336 electrical means a battery backup to keep the toggle switch
337 operational.
- 338 (4) The property owner shall also ensure that the power-
339 assisted gate is equipped to operate manually.
- 340 (5) Property owners shall ensure that hydraulic gates have an
341 emergency button or knob to release pressure. The button
342 or knob shall be located at the hydraulic arm, and one
343 shutoff is required for each arm. If the emergency shutoff is

375 provision thereof, or to fail or refuse to comply with any such provision or
376 regulation.

377
378 **Sec. 12-86. Penalties for Violation.**

379 (a) Any person who violates any of the provisions of this Chapter as
380 hereby adopted or fails to comply therewith or who shall violate or
381 fail to comply with any order made thereunder or who shall build
382 in violation of any detailed statement or specifications of plans
383 submitted and approved thereunder, or any certificate or permit
384 issued thereunder, shall for each and every such violation or
385 noncompliance, be guilty of an ordinance violation and, where
386 applicable, State or Federal law. Upon conviction of the violation
387 in a court of competent jurisdiction, the individual shall be subject
388 to fine and/or imprisonment in accordance with Chapter 1 of this
389 Code.

390 (b) The imposition of a penalty for any violation shall not excuse the
391 violation nor shall the violation be permitted to continue. Any
392 person convicted of a violation under this Chapter shall be required
393 to correct or remedy such violations or defects within a reasonable
394 time, and when not otherwise specified, the application of the
395 penalty stated in this section shall not be held to prevent the
396 enforced removal of prohibited conditions.

397
398 **Sec. 12-87 – 12-115. Reserved.**

399
400 **ARTICLE V. HAZARDOUS EXPLOSIVE CHEMICALS.**

401
402 **Sec. 12-116. Improper Storage Prohibited.**

403 It shall be unlawful for any person or institution to keep hazardous
404 explosive chemicals, which are used or stored for which the expiration
405 date has passed.

(b) Open burning allowed as set forth in subsection (a) of this section shall meet the following standards:

- (1) Materials such as heavy oils, gasoline, asphaltic materials, plastic, items containing natural or synthetic rubber, or any other material producing dense smoke or obnoxious odors shall not be used for starting or maintaining an open fire.
- (2) All burning shall be located on private property, so as not to interfere with any traffic on public streets or sidewalks.
- (3) No burning shall be allowed in violation of restrictions imposed by the Federal Environmental Protection Agency or the State Environmental Protection Division or other rules and regulations adopted herein, including the state minimum fire safety standards.

Sec. 12-147 – 12-175. Reserved.

ARTICLE VII. FIREWORKS.

Sec. 12-176. 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. In the event that any definitions used in this Article conflict with those contained in O.C.G.A. § 25-10-1 et seq., the definitions contained in O.C.G.A. § 25-10-1 et seq., as amended, shall control.

Consumer fireworks means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations (16 CFR

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor does the term "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and

- (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Sec. 12-177. Fireworks Activities Restricted.

Except as permitted under State Law and as otherwise permitted in this Article, it shall be unlawful for any person, firm, corporation, association or partnership to offer for sale at retail or wholesale, or to use or explode or cause to be exploded, or to possess, manufacture, or store any consumer fireworks or fireworks within the City.

Sec. 12-178. Public Exhibitions or Display of Fireworks.

Public exhibitions or displays of fireworks shall be allowed if properly permitted according to the provisions of O.C.G.A. Title 25, Chapter 10.

Sec. 12-179. Penalty for Violation of Article.

Any person violating the provisions of this Article shall be subject to punishment, and upon conviction, subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

Sec. 12-180 – 12-200. Reserved.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

Approved:

Jason Lary, Sr., Mayor

As to form:

Winston Denmark, City Attorney

Attest:

Leah Rodriguez, City Clerk

RESOLUTION OF THE CITY OF STONECREST, GEORGIA

Purpose: To re-confirm, solidify, and execute commitments of the Metropolitan Atlanta Rapid Transit Authority ("MARTA") to extend heavy rail along the southeast corridor of Interstate-20 in South DeKalb County.

WHEREAS, South DeKalb County residents have paid a one-cent tax to fund MARTA operations and capital improvement since 1972; and

WHEREAS, There has been no rail expansion in South DeKalb County, while MARTA has extended rail to stations in Central DeKalb in the year 1993 (Indian Creek), and to North Fulton County & North DeKalb County in the year 1996 (Buckhead, Medical Center, Dunwoody) and the year 2000 (Sandy Springs & North Springs); and

WHEREAS, The 9th and 13th Amendments to the Rapid Transit Contract Agreement, as before now amended, specifies MARTA'S commitment to the extension of heavy rail from the Indian Creek MARTA station to the Stonecrest Mall area as a priority; and

WHEREAS, In April 2012, the MARTA Board of Directors approved a Heavy Rail Extension from the Indian Creek station to run parallel along Interstate-285 South, continuing east along Interstate-20 to the Stonecrest Mall area as a locally preferred alternative (LPA); and

WHEREAS, Residents of South/Southeast DeKalb County have limited access to the existing MARTA rail system and have expressed a desire to extend rail from the City of Atlanta to the City of Stonecrest.

NOW THEREFORE, BE IT RESOLVED THAT the elected members of the Stonecrest City government support extension of rail along the east side of Interstate-20 in South DeKalb County from the City of Atlanta to the City of Stonecrest as a part of the overall DeKalb County Mass Transit Plan, in conjunction with other modes of transportation such as light rail, bus rapid transit and the current bus system.

BE IT FURTHER RESOLVED THAT the elected members of the Stonecrest City Council hereby appeal to the appointed members of the MARTA Board of Directors and CEO, as well as the DeKalb County Board of Commissioners and CEO, to include in the DeKalb County Mass Transit Plan a written proposal for both heavy and light rail alternatives to extend the existing MARTA rail system from the City of Atlanta to the City of Stonecrest. Such proposals should include a comprehensive cost analysis and implementation timeline to enable the Stonecrest Mayor and City Council to make informed decisions regarding current and future transit plans.

This _____ day of March, 2019.

Jason Lary, Mayor

**A RESOLUTION OF THE CITY OF STONECREST, GEORGIA TO ELECT TO
CONTINUE RECEIVING WATER AND SEWER SERVICES FROM DEKALB
COUNTY, GEORGIA, AND TO OTHERWISE PERFORM ALL NECESSARY ACTS
TO ACCOMPLISH THE INTENT OF THIS RESOLUTION**

WHEREAS, the City of Stonecrest, Georgia is a municipality created by the 2016 Georgia General Assembly pursuant to Senate Bill 208 (hereinafter referred to as "SB 208"); and

WHEREAS, DeKalb County, Georgia is a constitutionally created political subdivision of the State of Georgia; and

WHEREAS, the City intends to continue receiving water and sewer services from DeKalb County, Georgia; and

WHEREAS, pursuant to O.C.G.A. 36-31-11.1(d) the County will continue to charge residents of the City of Stonecrest, Georgia the same fees for such services as charged by the County to residents in the unincorporated area of the County; and

WHEREAS, pursuant to O.C.G.A. 36-31-11.1(d) the City shall deliver a copy of the resolution to the governing authority of the County within thirty (30) days after the date the resolution is adopted.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest, Georgia, that:

1. The City of Stonecrest, a qualified municipality located within a county that charges fees on a periodic basis for the provision of water and sewer services, hereby elects to continue receiving such water and sewer services for the same fees charged residents in the unincorporated area of DeKalb County.
2. A copy of this Resolution shall be delivered to the governing authority of DeKalb County, Georgia within thirty (30) days after the date this Resolution is adopted.
3. Any and all resolutions, or any part thereof, in conflict with this Resolution are hereby repealed.

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED this the _____ day of _____, 2019.

Approved:

Jason Lary, Sr., Mayor



CITY COUNCIL AGENDA ITEM

SUBJECT: ORDINANCE ADOPTING CHAPTER 3 (ALARM SYSTEMS) OF THE CITY CODE

☒ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☐ OTHER

Work Session: 03/11/2019

Council Meeting: 03/11/2019

SUBMITTED BY: Michael Harris

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 3 (ALARM SYSTEMS) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens and the City to provide a regulatory measure for an emergency response to alarm systems and to prevent false alarms that would needlessly occupy time of emergency personnel; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 3 (Alarm Systems).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 3. Alarm Systems" of the City Code to read and be codified as follows:

CHAPTER 3. ALARM SYSTEMS.

Sec. 3-1. Purpose.

(a) *Short title.* This Chapter shall be known as the "False Alarm Ordinance" and may be cited as such.

(b) *Purpose and intent.* This Chapter governs the responsible use and operation of alarm systems and implements measures to minimize the financial burden placed on the City by alarm system calls and false alarms. This Chapter is not intended to create new or to expand existing, if any, legal obligations of the City. The registration fees set forth in this Chapter are intended to require alarm system owners and alarm system companies to bear some of the cost of fire and police responses to all alarm system calls. The assessments set forth in this Chapter are intended to ensure compliance with this Chapter to defray a portion of the cost of false alarms, and to help reduce the number of false alarms.

Sec. 3-2. Definitions.

Words or terms not defined in this Chapter but defined in applicable state law or the Code of the City of Stonecrest, shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless the context requires otherwise. The following words, terms and phrases, when used in this Chapter shall have the meanings ascribed to them below except where the text clearly indicates a different meaning:

Alarm system means any system, device or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message or signal to an alarm system company, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a message or signal beyond the protected premises in some other fashion. An alarm system may consist of one (1) or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected or reports to an alarm system company, or constitutes a non-monitored alarm system, i.e., a system that does not transmit a message or signal to an alarm system company. The term "alarm system" does not include any system, device or mechanism primarily protecting a motor vehicle or constituting an individual medical alert.

Alarm system company means a company that charges a fee to monitor an alarm system placed, located, or protecting premises in the City of Stonecrest, including alarm system companies whose offices are physically located outside of City's geographical boundaries.

Alarm system owner means a person or company that owns or operates an alarm system and is not a customer of an alarm system company.

Company means an individual, sole proprietorship or organization, whether the organization is operated by an individual, association, firm, partnership, corporation or other entity.

Customer of an alarm system company means a person who pays a fee to an alarm system company to monitor an alarm system placed, located, or protecting premises in the City of Stonecrest.

Dispatch means the point in time when police officers, emergency medical service providers, or fire personnel are directed to go to a particular location in response to the activation of an alarm system.

False alarm means any activation of an alarm system that elicits a response from the police department, or the fire department when there is no appearance of an actual emergency or threatened criminal activity necessitating a police or fire response. This definition includes, but is not limited to, any alarm system activated as a result of weather, negligence, accident, mechanical failure, electrical failure, or electrical surge. Activation of an alarm system shall not be considered a false alarm if:

- (a) The police department or fire department is notified prior to dispatch to cancel any response;
- (b) The alarm system was intentionally activated based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate police or fire response existed; or
- (c) The alarm system was activated by an attempted illegal entry of which there is some evidence.

Fire department means the DeKalb County Fire Rescue Department or the City of Stonecrest Fire Department if one is activated.

Local means within the geographical boundaries of the following counties: Cherokee, Clayton, DeKalb, Fulton, Gwinnett, Henry, Newton, Paulding and Rockdale.

Police chief means the City of Stonecrest Chief of Police or a Chief of a Police Department contracted by the City to provide police services.

Police department means the DeKalb County Police Department or the City of Stonecrest Police Department, if one is deployed.

Sec. 3-3. Registration of Alarm System Companies.

(a) *Registration required.* No alarm system company may monitor an alarm system placed, located, or protecting premises in the City of Stonecrest unless such alarm system company registers with the Police Department and, as part of such registration, identifies the name, local address and local telephone number of at least one (1) person who resides or works at a designated local address who shall serve as the authorized agent of the alarm system company. The authorized agent shall be the individual who is authorized by the alarm system company to receive all notices, citations and to pay all registration fees or fines assessed against the alarm system company pursuant to this Chapter.

(b) *Reporting updated information.* Whenever there is a change in any information recorded in an alarm system company's registration, the alarm system company must, within thirty (30) days of the change, update the registration on file with the Police Department. Registration information on file remains effective until ten (10) days after receipt of updated information.

(c) *Address information.* Every alarm system company shall provide to the Police Department, in whatever format the Police Chief may specify, including an electronic and searchable format, a complete listing of all customers of the alarm system company which shall include all addresses located in the City of Stonecrest that the alarm system company monitors, and the name and address of the

person or company who receives the monitoring bill. Each alarm system company shall update the list in a manner and on a schedule as specified by the Police Chief.

- (d) *Registration fee.* Alarm system companies shall be required to pay an annual registration fee in the amount established by Resolution of the Mayor and City Council.

Sec. 3-4. Registration of Alarm System Owners.

- (a) *Registration required.* No alarm system owner may operate an alarm system within the City of Stonecrest unless such alarm system is registered with the Police Department.

- (b) *Transfer of possession.* Whenever there is any change in ownership of an alarm system and/or premises or property protected by an alarm system, the new owner must, within thirty (30) days of the change, register as an alarm system owner; alarm system registration is not transferable.

- (c) *Reporting updated information.* Whenever there is a change in any information recorded in an alarm system owner's registration, the alarm system owner must, within thirty (30) days of the change, update the registration on file with the Police Department. Registration information on file remains effective until ten (10) days after receipt of updated information.

- (d) *Multiple registrations required.* If more than one (1) alarm system protects a single property, each alarm system must be registered separately. If one (1) alarm system protects more than one (1) structure or property, then the alarm system must be registered multiple times, once as to each structure or property.

- (e) *Registration fee.* Alarm system owners shall be required to pay an annual registration fee in an amount established by Resolution of the Mayor and City Council.

Sec. 3-5. Duties of an Alarm System Company and an Alarm System Owner.

An alarm system company or owner shall:

- (a) Appear, or cause another person to appear, at the location of the alarm system within forty-five (45) minutes of a request from the Police Department or Fire Department in order to provide access to the alarm system and/or de-activate a malfunctioning alarm system;
- (b) Limit any externally audible sounds triggered by an alarm system to a duration of no more than fifteen (15) minutes after being activated; and
- (c) Make readily available instructions about how to operate the alarm system. This obligation can be met by indicating on the alarm system how it operates; indicating on the alarm system where written instructions are to be found, provided that such written instructions are kept in the same room or space in which the alarm system is located; making someone available no more than forty-five (45) minutes after notice to answer questions posed by a police officer or fire personnel; or by any other means that may be approved by the Police Chief.

Sec. 3-6. Violations.

- (a) It shall be a violation of this Chapter if any alarm system owner, customer of an alarm system company, or an alarm system company:
 - (1) Fails to register if required to do so by this Chapter;
 - (2) Fails to pay all applicable registration fees when due;
 - (3) Fails to update any information as required by this Chapter;

- (4) Activates any alarm system for the purpose of summoning a police officer or fire personnel with actual knowledge that there is no emergency;
- (5) Uses an auto-dialer or telephonic recording, message, signal or warning to notify the Emergency 9-1-1 System of any alarm system activation;
- (6) Connects directly to an alarm display panel located in the communications center of the Police Department and/or Fire Department without authorization; or
- (7) Aids or abets in the commission of an act prohibited by this section.

- (b) The Police Department is authorized to disable immediately any alarm system, communication or device that is directly connected to an alarm display panel located in the communications center of the Police Department and/or Fire Department without authorization.

Sec. 3-7. Jurisdiction and Penalties.

Any alarm system company, customer of an alarm system companies or alarm system owner who does anything prohibited by sections 3-3, 3-4, 3-5 and 3-6, or who fails to do anything required by these sections, upon citation or summons by the Police Chief, code enforcement officer or other authorized City agent or employee, and who is convicted of said violation in the Stonecrest Municipal Court, shall be subject to appropriate penalties as imposed by the court. If convicted of violating any provision of sections 3-3, 3-4, 3-5 and 3-6, the court shall impose a minimum fine of four hundred and ninety-nine dollars (\$499.00) in addition to any other authorized punishment imposed by the court.

Sec. 3-8. False Alarms and Assessments.

- 221 (a) An alarm system owner shall not activate or allow a false alarm to
222 be activated through the owner's alarm system.
- 223 (b) A customer of an alarm system company shall not activate or allow
224 a false alarm to be activated through alarm systems placed, located,
225 or protecting premises in the City. Customers of alarm system
226 companies shall be subject to an assessment for multiple false
227 alarms only where the false alarm occurs at the same location
228 within the preceding twelve-month period.
- 229 (c) For a failure to abide by the terms of this section, assessments will
230 be as follows:
- 231 (1) No assessment for a first false alarm.
- 232 (2) An assessment of fifty dollars (\$50.00) for a second false
233 alarm.
- 234 (3) An assessment of one hundred dollars (\$100.00) for a third
235 false alarm.
- 236 (4) An assessment of two hundred dollars (\$200.00) for a
237 fourth false alarm.
- 238 (5) An assessment of three hundred dollars (\$300.00) for a fifth
239 false alarm.
- 240 (6) An assessment of four hundred dollars (\$400.00) for a sixth
241 false alarm.
- 242 (7) An assessment of five hundred dollars (\$500.00) for a
243 seventh false alarm.
- 244 (8) An assessment of six hundred dollars (\$600.00) for an
245 eighth false alarm.
- 246 (9) An assessment of seven hundred dollars (\$700.00) for a
247 ninth false alarm.
- 248 (10) An assessment of eight hundred dollars (\$800.00) for a
249 tenth false alarm.

- (11) An assessment of nine hundred dollars (\$900.00) for each false alarm after the tenth false alarm.

Sec. 3-9. Notification and Appeal Process for Assessments.

- (a) The Police Chief shall have the authority to issue a notice of assessment, hereinafter referred to as the "notice," to alarm system owners, and/or customers of alarm system companies who do not abide by the requirements of section 3-8 of this Chapter. The notice shall briefly describe the facts forming the basis for the assessment, include the date and address of the incident, the amount of the assessment owed, and advise the person of the right to appeal the notice. The notice shall be sent via United States mail to the alarm system owner or customer of an alarm system company at the address on file as provided by this Chapter.
- (b) If no appeal is filed in the manner required by this Chapter, the assessment shall be paid to the Police Department. Should the alarm system owner or a customer of an alarm system company desire to appeal a notice, an appeal must be filed with the Police Chief within fifteen (15) calendar days after the date reflected on the notice. The person or entity filing the appeal, hereinafter referred to as the "appellant," must pay to the Police Department an appeal bond in an amount equal to the assessment at issue, and a non-refundable appeal filing fee of thirty-five dollars (\$35.00) at or before the appeal will be accepted for processing. The appeal shall be in the form of a letter, and shall identify all of the reasons that appellant believes the notice is improper or invalid. If the Police Chief agrees with reasons cited by the appellant in the appeal, the notice may be dismissed and no assessment shall be charged.
- (c) If the notice is not dismissed by the Police Chief, he/she shall enter or docket the appeal and notify the appropriate City

representative(s) or witness(es) and the appellant(s), in writing, of the date, time and place where a hearing will be held. The hearing shall be held before the City Manager or designated hearing officer within forty-five (45) calendar days of the date the appeal is entered or docketed. The parties may be represented by counsel, may present evidence, and may examine and cross-examine witnesses; the standard of proof shall be by a preponderance of the evidence and the City shall bear the burden of proof. A party is permitted no more than fifteen (15) minutes to present that party's case. Presentation of arguments and evidence may be in oral or written form. The City Manager or designated hearing officer shall grant or deny the appeal by issuing and mailing a written decision to the Police Chief and the appellant(s) within thirty (30) calendar days of the date of the hearing.

(d) The City Manager or designated hearing officer shall grant the appeal if he/she finds that issuance of the notice was based on an erroneous finding of material fact, or was arbitrary or capricious. If an appeal is granted, no assessment shall be charged to the appellant(s) and the appeal bond shall be returned to the appellant(s) by United States mail. If the appeal is denied, the appeal bond shall be kept by the City and utilized for police purposes. Should the City Manager or designated hearing officer fail to issue a timely decision, the appeal will be deemed granted and no assessment shall be charged to the appellant(s). The decision of the City Manager or designated hearing officer shall be final.

(e) Nothing in this Chapter shall be construed to prevent or limit the City from pursuing any and all available legal and equitable remedies to collect fines, assessments and enforce the provisions of this Chapter.

Sec. 3-10. Enforcement and Awareness Classes.

The Police Chief shall develop guidelines and forms, make recommendations and take such other steps as may be necessary to enforce the provisions of this Chapter. The Police Chief may create and implement awareness classes and may request the assistance of alarm system companies to develop and implement such classes. The classes shall be open to the public and shall provide instruction on how to reduce false alarms.

Sec. 3-11. Disclaimer/Immunities.

- (a) By enacting this Chapter, the City is seeking only to promote the health, safety and general welfare of its citizens and is not waiving any of the immunities provided to it or its officers by state or federal law.
- (b) By enacting this Chapter, no special duty or special relationship is created between the City, including its Police Officers and fire personnel, and persons who own real or personal property protected by an alarm system, persons who are physically present at or in the vicinity of property protected by an alarm system, or anyone else who may be relying upon or operating an alarm system in any way, including without limitation alarm system owners or alarm system companies. There is no intent to create liability to any person who claims that the enactment, enforcement or violation of this Chapter caused injury or loss of any kind.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

5. The within ordinance shall become effective upon its adoption.

6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____,
2019.

Approved:

Jason Lary, Sr., Mayor

As to form:

Winston Denmark, City Attorney

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

388 Attest:

389

390

391

392 Leah Rodriguez, City Clerk



CITY COUNCIL AGENDA ITEM

SUBJECT: FIRE PREVENTION ORDINANCE

☒ ORDINANCE	☐ POLICY	☐ STATUS REPORT
☐ DISCUSSION ONLY	☐ RESOLUTION	☒ OTHER

Work Session: 03/25/2019

Council Meeting: 03/25/2019

SUBMITTED BY:

PURPOSE: Second Read

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA ADOPTING
CHAPTER 12 (FIRE PREVENTION AND PROTECTION) OF THE CITY CODE.**

WHEREAS, the City of Stonecrest, Georgia Mayor and City Council are authorized by the City Charter to provide for the general health, safety and welfare of the citizens of the City; and

WHEREAS the Mayor and City Council find it to benefit the welfare of the citizens to provide for regulation and administration of fire prevention in the City; and

WHEREAS, this Ordinance shall be adopted as part of the City of Stonecrest City Code, as Chapter 12 (Fire Prevention and Protection).

THEREFORE, the Mayor and City Council of the City of Stonecrest, Georgia hereby ordain as follows:

Section 1: The Mayor and City Council of the City of Stonecrest, Georgia, hereby adopt an Ordinance designated as "Chapter 12. Fire Prevention and Protection" of the City Code to read and be codified as follows:

CHAPTER 12. FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL.

Sec. 12-1. Definitions.

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

Apartment building means building containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as an apartment house, tenement, garden apartment, or by any other name.

Battery backup means any emergency power supply for power-assisted gates operated by electrical power.

Breakaway security gate means any gate designed to fall away under pressure.

38 *Case hardened metal* means a steel alloy formed by diffusing
39 carbon or nitrogen into the outer layer of the steel at high temperature such
40 that the metal cannot be cut with a saw, and will not shatter.

41 *Combustible* means any material that is capable of supporting
42 ignition or the process of burning under heat exposure.

43 *Delayed response* means any postponement of an emergency
44 vehicle gaining access through security barriers.

45 *Disposal* means the discharge, deposit, injection, dumping,
46 spilling, leaking, or placing of any hazardous substances or hazardous
47 waste into or on any land or water so that such substances or waste may
48 enter the environment or be emitted into the air or discharged into any
49 water, including groundwater.

50 *Dormitory* means buildings or spaces in buildings where group
51 sleeping accommodations are provided for persons not members of the
52 same family group in one room or in a series of closely associated rooms
53 under joint occupancy and single management, as in college dormitories
54 or other housing for students, fraternity houses, military barracks; with or
55 without meals, but without individual cooking facilities.

56 *Emergency shutoff button* means a device used to release hydraulic
57 pressure on power-assisted gates operated by hydraulic power.

58 *Fire apparatus* means any vehicle or equipment used by fire and
59 rescue services.

60 *Fire Marshal* means a qualified officer who will perform fire
61 marshal services for the City.

62 *Gamewell lock box* means a box, sometimes called an elevator lock
63 box, which must be opened with a special key carried on fire response
64 vehicles.

65 *Gravity gate* means a gate with no power assistance and which
66 operates freely under manual manipulation.

Hazardous explosive chemicals means all picric acids, nitro-based chemicals, ethers, peroxides, oxidizers, and such other chemicals as may be determined by the Fire Marshal to be hazardous explosives.

Hazardous substance means a substance that satisfies any one of the following requirements:

- (1) A substance which, because of the toxic or hazardous properties which it exhibits, is determined by the Director of the Environmental Protection Division of the State Department of Natural Resources to represent a significant risk to the public health and safety as a result of foreseeable use, handling, accidental spill, exposure or contamination;
- (2) A substance that is known to present a significant risk of personal injury or illness as the foreseeable result of use, handling, accidental spills, exposure or contamination; or
- (3) A substance or material that has been determined to pose an unreasonable risk to health, safety, and property.

Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal regulation in force and effective February 1, 1986, codified as 40 CFR 261—Identification and Listing of Hazardous Waste, as amended.

Hazardous waste generation means the act or process of producing hazardous waste.

High-rise residential occupancy building means residential properties, hotels, dormitories, apartments, lodging or room houses, or board and care facilities over 75 feet or 23 meters in height measured from the lowest level of fire department vehicle access to the floor of the highest occupied story.

Hotel/motel means a building in which separate sleeping rooms are rented that provide sleeping accommodations for 15 persons or more on

97 either a transient or permanent basis, with or without meals, whether
98 designated as a hotel, inn, club, motel, or by any other name.

99 *Improper storage* means storage of chemicals past the expiration
100 date on the label or chemicals stored in any area or container not designed
101 for storage of the particular chemical. If there is no date listed for the
102 expiration date, the expiration date shall be 12 months past the date that
103 the chemical was received by the person or entity storing the chemical.

104 *Knox Box Rapid Entry System* means a key box that is authorized
105 by section 506 of the International Fire Code and allows firefighting
106 access for fire department purposes. Examples of structures or areas in
107 which a key box is required include commercial and industrial structures
108 protected by an automatic alarm system or automatic suppression system
109 or structures that are secured in a manner that restricts access during an
110 emergency; multi-family residential structures that have restricted access
111 through locked doors and have a common corridor for access to all the
112 living units; governmental structures and nursing care facilities; hazardous
113 material occupancies; and occupancies where a large number of medical
114 or fire alarms occur and entry can be delayed.

115 *Lodginghouse* or *roominghouse* means a building in which
116 separate sleeping rooms are rented which provides sleeping
117 accommodations for 15 or fewer persons on either a transient or
118 permanent basis, with or without meals, but without separate cooking
119 facilities for individual occupants.

120 *Pad lock* means any lock that is not constructed of case hardened
121 metal.

122 *Power assisted gate* means any gate that is operated through a
123 power source, whether electrical, hydraulic or pneumatic.

124 *Residential property* means buildings containing three or more
125 living units with independent cooking and bathroom facilities, whether

designated as apartment house, tenement, garden apartment, condominium
or by any other name.

Substance means any element, entity, compound, combination, or
any mixture thereof, whether organic or inorganic.

Toggle switch means a device used to operate a power-assisted
gate and override the power supply to the gate.

Sec. 12-2. Scope.

(a) The provisions of this Chapter shall apply equally to both public
and private property, and to all structures and their occupants,
except as otherwise specified herein or by other applicable law.

(b) The City shall have the authority to contract with any other
government entity for the enforcement of this Chapter and to enter
into any intergovernmental agreements for the provision of fire and
rescue services.

Sec. 12-3. False Fire Report.

It shall be unlawful for any person to transmit or cause to be
transmitted in any manner to fire and rescue services a false report of a
fire, knowing at the time there is no factual basis for believing that such a
fire exists. Such a violation shall be prosecuted under applicable state law
as a misdemeanor.

Sec. 12-4 - Sec. 12-24. Reserved.

ARTICLE II. ADMINISTRATION.

Sec. 12-25. Duties of the Fire Marshall.

(a) Other than those services provided by DeKalb County, pursuant to
that Intergovernmental Agreement for the Provision of Fire Rescue
Services dated _____, as amended (the "Fire IGA"),

the services to be performed by the Fire Marshal shall include the inspections of new buildings and renovations to existing buildings for compliance with the fire code, including the following:

- (1) Reviewing and approving plans for both new construction and renovations of existing structures;
- (2) Final inspections for life safety for all commercial and multifamily buildings;
- (3) Inspections for new business licenses or change of occupancy, in conjunction with the building official; and
- (4) Inspections required for setting occupancy load, in conjunction with the building official.

(b) The Fire Marshal shall possess the education, training and experience required by state law for such position.

(c) The Fire Marshal or his designee shall remit all site plans receiving an approval for life safety by the Fire Marshal to DeKalb County's Fire Chief.

Sec. 12-26. Construction Plans Approval.

It shall be unlawful to construct, erect or alter any building without construction documents approved by the Fire Marshal for fire department accessibility, fire hydrant requirements, fire code requirements, occupancy load, aboveground and underground flammable and combustible liquids tank installations and fire protection and suppression systems, including, but not limited to, sprinklers.

Sec. 12-27. Permits.

The City shall have the authority to issue permits and to collect fees for plan review, permit and inspection in connection with commercial and multifamily buildings constructed or renovated in the City in amounts set by Resolution of the City Council as well as for reimbursement for other

review or inspection services provided in this Chapter, in this Code or by law.

Sec. 12-28. – Section 12-57. Reserved.

ARTICLE III. REGULATIONS AND ADOPTED CODES

Sec. 12-58. Adoption of State Fire Safety Rules..

Pursuant to O.C.G.A. § 25-2-1 et seq. and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the state minimum fire safety standards now and as may hereafter be promulgated by the Georgia Safety Fire Commissioner. In the event the Fire Marshal determines that the provisions of the state minimum fire safety standards conflict with the provisions of the International Fire Code adopted in section 12-59, then the most restrictive provision as determined by the Fire Marshal shall govern.

Sec. 12-59. Adoption of International Fire Code.

Pursuant to O.C.G.A. §§ 8-2-20 and 8-2-25 and as may hereinafter be amended, there is hereby adopted as if fully set forth herein the International Fire Code, including chapter 1, Administration. As allowed in O.C.G.A. § 8-2-25, the provisions of the International Fire Code are modified and amended in sections 12-60 through 12-63. In the event the Fire Marshal determines that the provisions of the International Fire Code conflict with the provisions of the state minimum fire safety standards adopted in section 12-58, then the most restrictive provision as determined by the Fire Marshal shall govern..

Sec. 12-60. Amendments to the International Fire Code.

(a) The International Fire Code is hereby amended by omitting section 108, Board of Appeals of chapter 1, Administration and section 108 shall not be adopted by the City.

- (b) The International Fire Code is hereby amended by adopting Appendix C—Fire Hydrant Locations and Distribution and Appendix D—Fire Apparatus Access Roads.

Sec. 12-61. Spread of Fire.

- (a) All combustible landscaping materials shall be placed at least 36 inches away from the edge of any building having an external skin of either combustible sheathing or combustible siding. Aluminum siding, vinyl siding, non-treated wood siding and similar materials shall be considered combustible for the purpose of this section. This section shall not be interpreted to prohibit the planting of shrubs, trees and other live plant materials closer than 36 inches away from the edge of any other building.
- (b) It shall be unlawful for any person to ignite a fire of any type within ten (10) feet of a combustible building, including ignition under combustible overhangs and balconies.

Sec. 12-62. Automatic Fire Extinguisher System Required.

- (a) All new or substantially rehabilitated multifamily dwellings properties shall be fully sprinkled in accordance with the latest adopted edition of the National Fire Protection Association publications 13 (NFPA-13) or 13R (NFPA 13R).
- (b) All high-rise residential occupancy buildings shall have an approved sprinkler system installed in accordance with NFPA-13.

Sec. 12-63. Security Gate/Barrier Installation Requirements Other than One- and Two-Family Dwellings.

- (a) *Definitions .*

- (1) *RFID* means radio frequency identification and, for the purpose of this section, refers to a mode of access to open a

254 gate in a gated community utilizing radio frequency waves
255 to activate the gate's locking mechanism and opening the
256 gate.

257 (2) *SOS* means siren operating sensor and, for the purpose of
258 this section, refers to a sensor that triggers the opening of
259 gated access as a result of the emergency vehicle siren.

260 (3) *Emergency vehicle* means any marked or unmarked law
261 enforcement vehicle, fire truck, fire rescue staff vehicle,
262 ambulance and/or ambulance staff vehicle and rescue units.

263 (4) *Existing gated development* means a gated development
264 that has obtained construction plan approval prior to the
265 effective date of this ordinance.

266 (5) *Gated development* means any residential development
267 which may be fenced and has a secured gate located at the
268 roadway entrance to the facility, preventing free access by
269 the public.

270 (6) *New gated development* means a gated development that
271 has obtained construction plan approval after the effective
272 date of this ordinance.

273 (b) *Installation requirements for all gates.*

274 (1) All gates shall have a minimum width of 20 feet to allow
275 for fire apparatus access.

276 (2) All gates shall have signage indicating gate direction of
277 travel.

278 (3) All objects on a gate that may obstruct the path of
279 emergency vehicles must be covered with reflective paint,
280 tape or lights sufficient to guide vehicles around the
281 obstruction.

282 (4) The owner of the property shall ensure that all hydraulic
283 gates are disabled and left in the open position when the

284 temperature is expected to drop below 25 degrees
285 Fahrenheit.

286 (5) If a gate is located on a turn, the turn must have a 35-foot
287 clear inside radius and a 50-foot clear outside radius.

288 (6) Gate installers shall provide information on the operational
289 features of the gate to the Fire Marshal prior to the
290 installation of any security gate.

291 (7) The Fire Marshal prior to installation of any security gate
292 must approve its operational features.

293 (8) When gates are opened for emergency access, they shall
294 remain open until reactivated.

295 (9) Construction plans or blueprints shall be submitted to the
296 Community Development Department for approval by the
297 Fire Marshal prior to an owner or applicant beginning work
298 on the installation of a gate.

299 (10) Each new or existing gated development to which access is
300 limited by security gate(s) that are unmanned or otherwise
301 not physically attended by a person on a 24-hour basis shall
302 be required to install an RFID/SOS gate access system on
303 each roadway entrance gate to allow for silent radio
304 frequency or siren-activated access by emergency vehicles.
305 This requirement shall apply to all such gates that are part
306 of a gated development, whether leading outside the
307 development or internal to the development.

308 (11) The City shall bear the cost of the RFID/SOS system for
309 existing gated developments. Gated development approved
310 after the effective date of this section shall bear the cost of
311 the RFID/SOS system. Gated developments, whether
312 existing or new, shall bear the cost of continuous
313 maintenance of their RFID/SOS system.

(12) Existing gated developments shall have 12 months from the effective date of this ordinance to comply with the provisions of this section. Gated developments developed after the effective date of this ordinance shall comply with this section prior to or concurrent with installation of an unmanned security gate.

(13) Failure to install and continuously maintain the required RFID/SOS gate access system in conformance with the provisions of this section shall be a violation of this section. This section shall be administered by the Stonecrest Fire Marshal or designee.

(14) The provisions of this section are intended to ensure a minimum level of access by emergency personnel during emergencies and shall not be construed to guarantee the safety of a gated development during an emergency.

(c) *Installation requirement for power-assisted gates.*

(1) Property owners shall ensure that Gamewell lock boxes or any means of security approved by the Fire Marshal shall conform to the requirements of this Chapter.

(2) Power assisted gates shall contain a toggle switch to manually operate the gate and override the power.

(3) The property owner shall install in gates operated by electrical means a battery backup to keep the toggle switch operational.

(4) The property owner shall also ensure that the power-assisted gate is equipped to operate manually.

(5) Property owners shall ensure that hydraulic gates have an emergency button or knob to release pressure. The button or knob shall be located at the hydraulic arm, and one shutoff is required for each arm. If the emergency shutoff is

used, the gate must be capable of being secured to prevent it from swinging back to the closed position.

(d) *Installation requirements for gravity gate locking devices.*

(1) Pad locks may be used to secure a gate only if the pad lock is not constructed of case hardened metals.

(2) Gates shall be installed to allow fire apparatus to access the property and not impede the flow of traffic. This includes a sufficient distance to allow gates to open if swinging in the direction of the fire apparatus.

(e) *Installation requirements for chain and pole security barriers.*

(1) Property owners must seek approval from the Fire Marshal prior to the use of chain and pole barriers.

(2) Chains and pole barriers must not be constructed of case hardened metal.

(f) *Installation requirements for break-away security gates.*

(1) When the security gate arm is raised, the property owner must ensure that the arm remains raised until reset for normal operation.

(2) The mechanism for overriding the gate shall be accessible to the employees of the fire rescue service provider.

(3) When in use, the gate arm should be open to an angle greater than 90 degrees to the terrain of the driveway.

Sec. 12-64 – 12-84. Reserved.

ARTICLE IV. INSPECTIONS, VIOLATIONS AND PENALTIES.

Sec. 12-85. Responsibility for Violations.

It shall be unlawful for any person to violate the provisions of this Chapter, to permit or maintain such a violation, to refuse to obey any

provision thereof, or to fail or refuse to comply with any such provision or regulation.

Sec. 12-86. Penalties for Violation.

(a) Any person who violates any of the provisions of this Chapter as hereby adopted or fails to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement or specifications of plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall for each and every such violation or noncompliance, be guilty of an ordinance violation and, where applicable, State or Federal law. Upon conviction of the violation in a court of competent jurisdiction, the individual shall be subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

(b) The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Any person convicted of a violation under this Chapter shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the penalty stated in this section shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 12-87 – 12-115. Reserved.

ARTICLE V. HAZARDOUS EXPLOSIVE CHEMICALS.

Sec. 12-116. Improper Storage Prohibited.

It shall be unlawful for any person or institution to keep hazardous explosive chemicals, which are used or stored for which the expiration date has passed.

Sec. 12-117 – 12-145. Reserved.

ARTICLE VI. OPEN BURNING.

Sec. 12-146. Permitted and Prohibited Burning.

(a) No person shall cause, suffer, allow or permit open burning in any area of the City except as follows:

(1) Open burning in a reasonable fashion for the purpose of cooking food for immediate human consumption, provided, however, except for one- and two-family dwellings, it shall be unlawful to use charcoal burners or other open flame cooking devices on combustible balconies or within ten (10) feet of combustible construction.

(2) Operation of devices using open flames such as candles, lanterns, tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment where approved safety measures are used.

(3) Open burning in other than residential areas for the purpose of land clearing or construction or maintenance of right-of-way.

(4) Warming fires in a barrel of 55-gallon capacity or less, or other commercially sold outdoor fireplace devices, provided that:

a. The fire does not produce dense smoke or obnoxious odors; and

b. The fire is attended by an individual over the age of 17 years.

Untreated wood or lumber shall be the only material or substance allowed in the warming fire.

(b) Open burning allowed as set forth in subsection (a) of this section shall meet the following standards:

- (1) Materials such as heavy oils, gasoline, asphaltic materials, plastic, items containing natural or synthetic rubber, or any other material producing dense smoke or obnoxious odors shall not be used for starting or maintaining an open fire.
- (2) All burning shall be located on private property, so as not to interfere with any traffic on public streets or sidewalks.
- (3) No burning shall be allowed in violation of restrictions imposed by the Federal Environmental Protection Agency or the State Environmental Protection Division or other rules and regulations adopted herein, including the state minimum fire safety standards.

Sec. 12-147 – 12-175. Reserved.

ARTICLE VII. FIREWORKS.

Sec. 12-176. 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. In the event that any definitions used in this Article conflict with those contained in O.C.G.A. § 25-10-1 et seq., the definitions contained in O.C.G.A. § 25-10-1 et seq., as amended, shall control.

Consumer fireworks means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations (16 CFR

1500 and 1507), the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations (49 CFR 172), and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term "consumer fireworks" shall not include:

- (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and
- (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Fireworks means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term "fireworks" does not include:

- (1) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol

paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor does the term "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and

- (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Sec. 12-177. Fireworks Activities Restricted.

Except as permitted under State Law and as otherwise permitted in this Article, it shall be unlawful for any person, firm, corporation, association or partnership to offer for sale at retail or wholesale, or to use or explode or cause to be exploded, or to possess, manufacture, or store any consumer fireworks or fireworks within the City.

Sec. 12-178. Public Exhibitions or Display of Fireworks.

Public exhibitions or displays of fireworks shall be allowed if properly permitted according to the provisions of O.C.G.A. Title 25, Chapter 10.

Sec. 12-179. Penalty for Violation of Article.

Any person violating the provisions of this Article shall be subject to punishment, and upon conviction, subject to fine and/or imprisonment in accordance with Chapter 1 of this Code.

Sec. 12-180 – 12-200. Reserved.

Section 2:

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
5. The within ordinance shall become effective upon its adoption.
6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED AND EFFECTIVE this the ____ day of _____,
2019.

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. _____

Approved:

Jason Lary, Sr., Mayor

As to form:

Winston Denmark, City Attorney

Attest:

Leah Rodriguez, City Clerk