



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 Tammy Grimes – District 5

CITY COUNCIL WORK SESSION

February 24, 2020

6:00PM

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. AGENDA ITEMS:**
 - 1. Committees
 - 2. Annexation
 - 3. Property Acquisition
 - i. Tax Anticipation Note- Update (Sam's Club)
 - ii. Urban Redevelopment Agency Procedures (Sears)
 - 4. Code Enforcement Discussion
 - i. Alcohol Sales Hours
 - ii. Shopping Cart Ordinance
 - iii. Donation Box Ordinance
 - 5. Final Plat of Flat Rock Hills Phase 2B
- III. ADJOURNMENT**

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Megan Reid, as soon as possible, preferably 2 days before the activity or event.

Work Session
Agenda Item 1
Committees

Development Authority

1. Jimmy Clanton, Post 1
2. Jeff Dickerson- Alternate

2020 Complete Count Census Committee

1. George Turner, Post 4
2. Jazzmin Cobble, Post 3
3. Kendra Price
4. Melva Hubbard
5. Adrion Bell
6. Al Franklin
7. Barbara Lee
8. Francis Savoy
9. Ramonda Raven
10. Laveeta Branche
11. Patsi Turner
12. Angela Wilson
13. Donna Douglas
14. Sandra Edwards
15. Gertrude Morgan
16. LaDetra Burks
17. Patricia Smith
18. Frank Bush
19. Terry Lee

Post Office Committee

1. George Turner, Post 4
2. Tammy Grimes, Post 5
3. Clarence Robinson
4. Terry Lee
5. Adrion Bell
6. Eric Hubbard
7. Shenita Johnson

Police Advisory Committee

1. Mayor Jason Lary
2. Rob Turner, Post 2
3. Barbara Hall
4. Adrion Bell
5. Eldron Bell
6. Chief Billy Grogan
7. Chief Keith Meadows
8. Antonio Render
9. District 3 Representative
10. Michael Williams

Parks Committee

1. Jimmy Clanton, Post 1
2. Tammy Grimes, Post 5
3. Revonda Cosby
4. Plez Joyner
5. Chris Wheeler
6. Kelly Jordan
7. Eric Hubbard
8. Jetha Wagner
9. Sean de Palma

One representative from the following:

1. Stonecrest Business Alliance
2. Parks of Stonecrest Community Civic Association
3. Klondike Area Civic Association

SPLOST Citizens Oversight Advisory Committee

1. Mayor Jason Lary
2. Jimmy Clanton, Post 1
3. Lemuel Hawkins
4. Shawn Jones
5. Darrel Taylor
6. Kerry Williams
7. Plez Joyner
8. Suzanne Frick
9. Erica Dixon
10. Michelle Emanuel

Film Committee

1. Rob Turner, Post 2
2. Jazzmin Cobble, Post 3
3. Patreece DeChabert
4. Verda Watson
5. Stacy Thibodeaux
6. Clarence Boone
7. Will Settle
8. LaRhonda Sutton
9. Victoria Turner
10. District 5 Representative

Education Committee

1. Tammy Grimes, Post 5
2. Jazzmin Cobble, Post 3
3. Dr. Barbara Lee
4. Vickie Turner
5. Bernard Smith
6. District 3 Representative

Sports Authority Committee

1. Jimmy Clanton, Post 1
2. Mayor Jason Lary
3. Brandon Riley
4. Plez Joyner
5. District 3 Representative
6. Tony Strozier

Commercial Industrial District Committee (CID)

1. Jimmy Clanton, Post 1
2. Rob Turner, Post 2
3. Chris Wheeler
4. Plez Joyner
5. Bernie Knight

Browns Mill-Panola Overlay Committee

1. George Turner, Post 4
2. Jazzmin Cobble, Post 3
3. Dave Marcus
4. Chris Wheeler
5. Kelly Jordan
6. District 3 Representative

Stonecrest Technology Committee

1. Mayor Jason Lary
2. Jimmy Clanton, Post 1
3. Bill Bruckner
4. Plez Joyner
5. Calvin Lawrence
6. Sean Jones

Stonecrest Connect Committee

1. Mayor Jason Lary
2. Jimmy Clanton, Post 1
3. Matt Hampton
4. Ravonda Cosby
5. Bernard Knight
6. Jetha Wagner
7. Plez Joyner
8. Kelly Jordan

Work Session
Agenda Item 2
Annexation

**REPORT OF THE GEORGIA HOUSE ANNEXATION, DEANNEXATION, AND
INCORPORATION STUDY COMMITTEE**

COMMITTEE MEMBERS:

**Honorable Jan Tankersley, Chair
Representative, District 160**

**Honorable Ed Rynders
Representative, District 152**

**Honorable Tom Taylor
Representative, District 79**

**Honorable Mary Margaret Oliver
Representative, District 82**

**Honorable Beth Beskin
Representative, District 54**

TABLE OF CONTENTS:

- I. Introduction**
- II. Executive Summary**
- III. Findings**
- IV. Recommendations**

III. FINDINGS

This committee recognizes local government authority comes with multiple benefits to Georgia. To understand the process, opportunities, and challenges the committee heard testimony from experts on local government policy. Discussion from the committee focused on different strategies and approaches to the development of county and municipal government.

Annexation

Traditionally, annexations in Georgia have been accomplished by local act of the General Assembly. Local legislation amends the charter of the city to extend the corporate limits and include territory adjacent to the city once approved by referendum. Dillon's Rule states that municipalities can exercise only the powers that the state specifically grants and only if those powers are lawfully granted.¹⁰ Municipal governments use annexation as part of a long-term growth strategy and to accommodate or control urban expansion. Benefits of annexation include contiguity, land management, environmental protection, economic interests, expanding the tax base and promoting economic growth.

In counties that provide few services or low levels of service, annexation alleviates public pressure to supply urban services that are already available from a municipality. For property owners, annexation may offer the opportunity to receive services, or a higher level of service, not currently available from the county. Others may consider the new services to be unequal to the increased tax burdens and may oppose annexation proposals. Urban counties may face more complicated issues than rural counties such as zoning regulations and changes in land use. Annexation laws in Georgia provide methods which require the consent of at least a majority of the citizens living in an area to be annexed into a city.

The 100 percent method allows a city to annex qualified parcels if it receives approval from all property owners in the proposed annexed area. This law is a common technique of annexation that must have city council support. In the past, a city could use the "spoke" method that takes place along the length of a road, river, or right-of-way to reach a desirable piece of property distant from the boundary of the city if the county agrees. As of 2000, either one-eighth of the area boundary or 50 feet of the area to be annexed must directly touch the municipality in order to legitimately change city boundaries.

¹⁰ John Forrest Dillon, *The Law of Municipal Corporations*, 1872

The 60 percent method allows municipalities with populations of at least 200 the power of annexation under the following requirements:

1. The application for annexation must be signed by the owners of not less than 60 percent of the property sought to be annexed, by acreage.
2. Not less than 60 percent of the electors living in the area must sign the application for annexation.
3. The municipality must prepare a plan for extending municipal services to the area annexed.

Property owners or voters may request a Superior Court declaratory ruling on the legitimacy of the annexation ordinance. The city council must also approve the annexation.

To utilize the *Resolution and Referendum method*, municipalities must hold a public hearing, present the annexation and service plan to the residents of both the unincorporated area and the city, adopt a resolution annexing the area, and hold a referendum in the area proposed to be annexed. Georgia law requires the annexing municipality to create a basic plan for extending police and fire protection, garbage, water, sewer, and street maintenance services to the annexed area on substantially the same basis and in the same manner as they were required to before the annexation.¹¹ The area must be adjacent or connecting to the city's boundaries and at least one-eighth of the aggregate external boundaries of the area must coincide with the city's boundary. No part of the area may be in another city or county and no part of the area may be receiving water, sewer, police, or fire protection from any unit of government other than the annexing city, unless an intergovernmental agreement is established. This method is applicable for urban areas with a population density of at least two persons per square acre.¹²

In 1992, the Georgia General Assembly enacted an additional method of annexation to address the issue of unincorporated islands. To improve service-provisions efficiency, municipalities of at least 200 people were permitted to annex unincorporated islands. Georgia cities were permitted to individually annex property without the application of property owners or voters or the provision of a public hearing as long as the property met the definition of an unincorporated island and was contiguous to the annexing city. Cities were prohibited from

¹¹ Official Code of Georgia Annotated O.C.G.A 36-36-51 (4)

¹² Georgia State University, Andrew Young School Fiscal Research Center, Report on Laws of Incorporation and Annexation of Georgia Municipalities, 2014

creating new unincorporated islands by any future annexations or deannexations. Municipalities have the discretion to annex unincorporated islands, but are not obligated to do so.¹³ If more than one city surrounds an unincorporated island, then the city with the largest percentage along its external border is permitted to annex the area unless a different agreement is created with another city.

Annexation laws do have requirements and restrictions relative to when annexations become effective and require the annexing municipality to provide maps and surveys of the annexed area to both the Secretary of State and the county governing authority. Municipalities must acquire any county-owned property or facilities within an annexed area if the property or facility is no longer usable for service to the county as a result of the annexation. Furthermore, the municipality must assume ownership, control, care and maintenance of a county right-of-way when it annexes land on both sides of the right-of-way, unless the city and county agree on different arrangements.

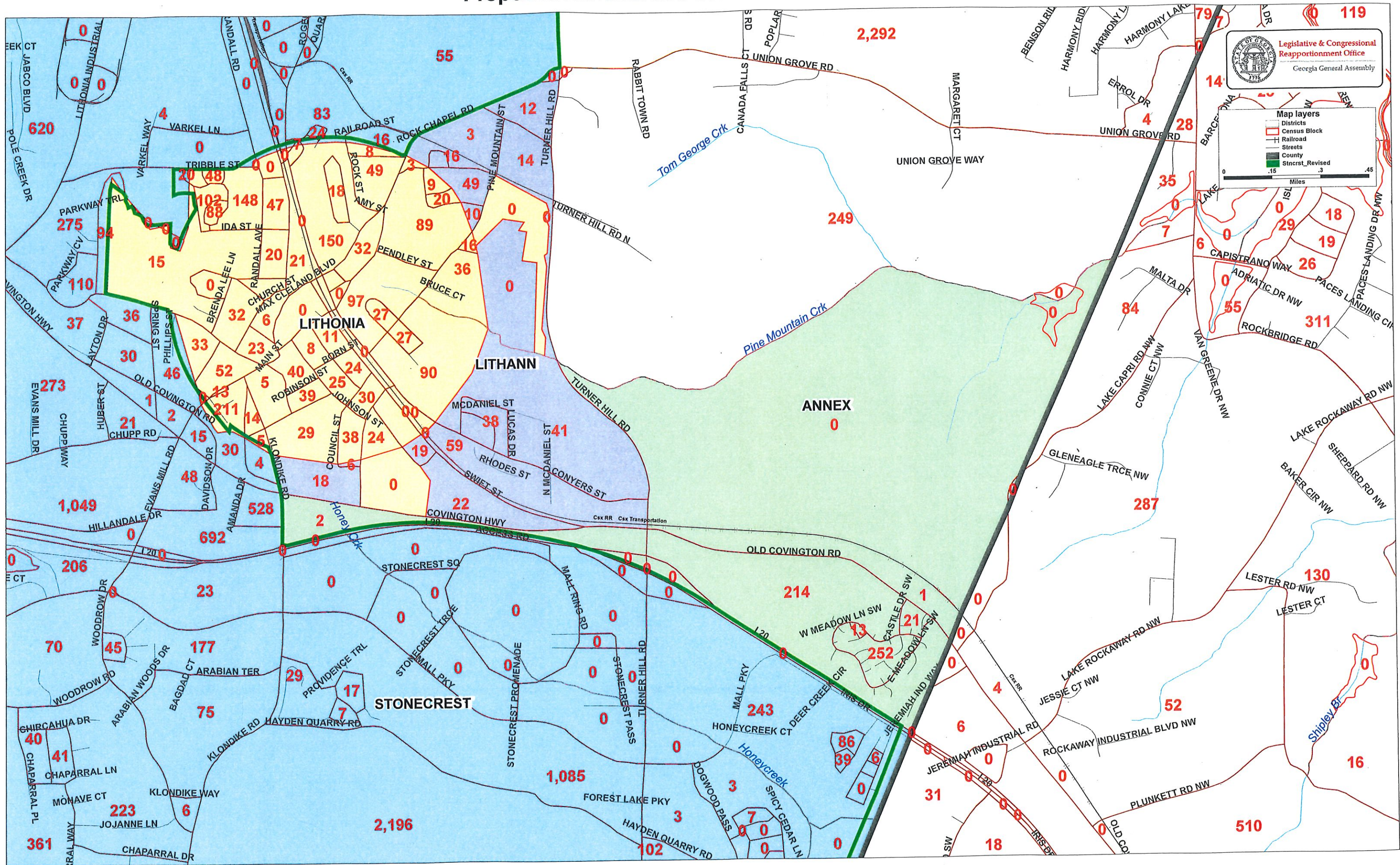
Since 2007, a county may object to an annexation if there is clear evidence there will be an increase burden on the county due to planned changes in zoning or land use. Other reasons for a county objection include possible increase in density and greater infrastructure demands. One problem that arises in annexations is when an area is designated as residential and suddenly becomes commercial when the city takes control. Another problem is that some counties and cities have had difficulty coming up with a procedure to resolve land use disputes. However, objections do not apply to annexations by local act of the General Assembly which may inspire this annexation method to circumvent county objections.

Local legislation that proposes an annexation where more than half of the acreage annexed is property less than five acres containing a house may not have a requirement for a referendum. If the proposed annexed area has more than 500 people or more than 3 percent of the city's population, then the local legislation must require a referendum to approve the proposed annexation. When a city proposes the annexation, it is required to pay for the cost of the referendum.¹⁴ Before the annexation takes place, the city must provide zoning for the annexed property after the city receives notice of intention to introduce local legislation on the proposed annexation from the General Assembly.

¹³ Official Code of Georgia Annotated O.C.G.A 36-36-92

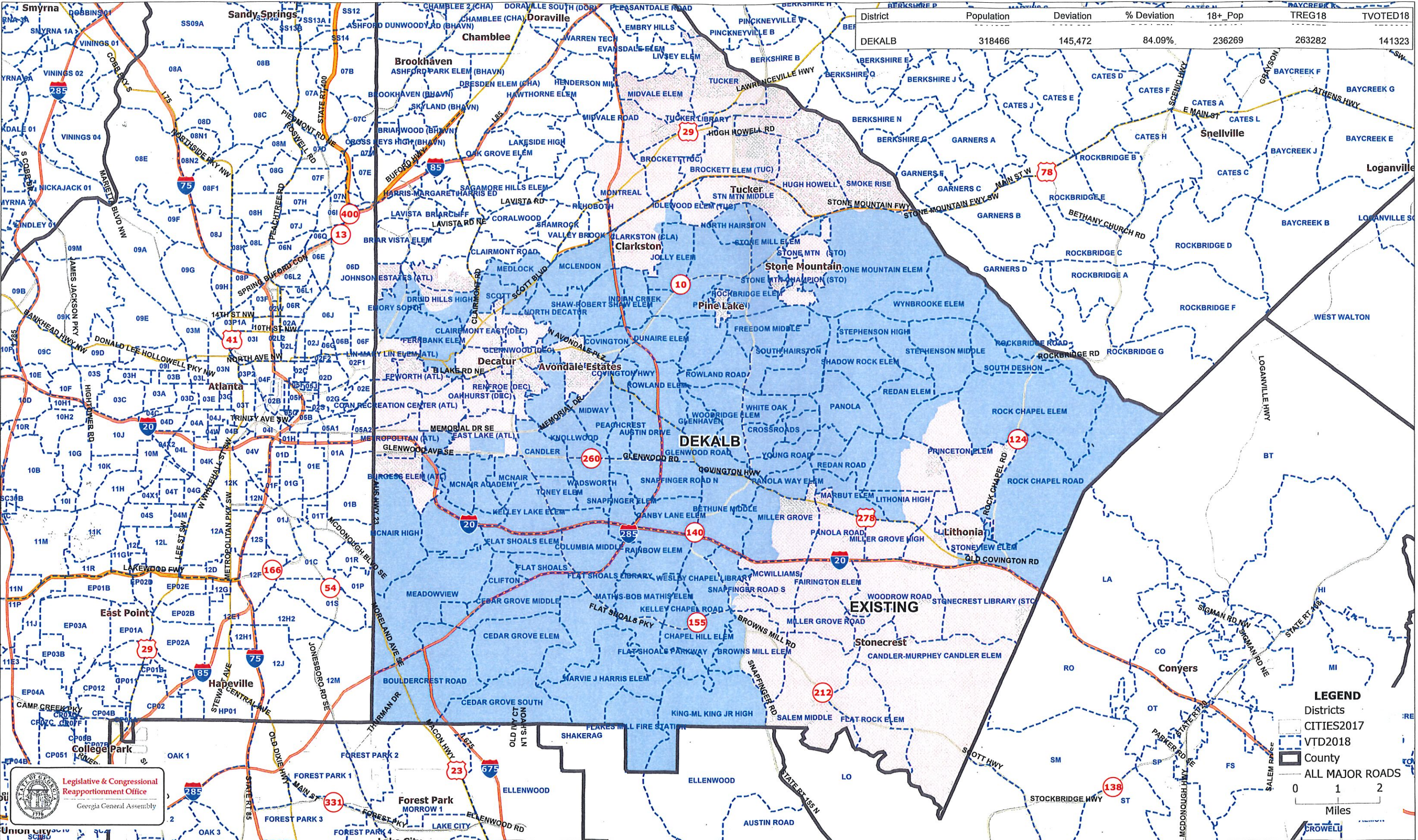
¹⁴ Official Code of Georgia Annotated O.C.G.A 36-36-7

Proposed Lithonia and Stonecrest Annexation



Proposed City of DeKalb

Client: S010
Plan: city-dekalb-2020
Type: Local



Work Session
Agenda Item 3
Property Acquisition



Branch Banking & Trust Company

Governmental Finance

5130 Parkway Plaza Boulevard
Charlotte, North Carolina 28217
Phone (704) 954-1700
Fax (704) 954-1799

February 21, 2020

Mr. Plez Joyner
Deputy City Manager
City of Stonecrest, Georgia

Mr. Ed Wall
Piper Sandler & Co.

Via Electronic Mail: PJoyner@stonecrestga.gov; Edmund.Wall@psc.com;

Gentlemen:

Truist Bank ("Lender") is pleased to offer this proposal for the financing requested by the City of Stonecrest, Georgia ("Borrower").

PROJECT: Tax Anticipation Note, Series 2020 ("the Note")

AMOUNT: Not to Exceed \$3,200,000.00

MATURITY DATE: December 31, 2020

INTEREST RATE: 2.10%

TAX STATUS: Tax Exempt-BQ

PAYMENTS: Interest: At Maturity
Principal: At Maturity

**INTEREST RATE
CALCULATION:** 30/360

SECURITY: The Note will be secured by the Borrower's full faith and credit and unlimited taxing power.

**PREPAYMENT
TERMS:** Callable in whole at par at any time

**RATE
EXPIRATION:** 4/3/2020

**DOCUMENTATION/
LEGAL REVIEW
FEE:** \$8,000 (origination and lender's counsel fees)

FUNDING: The financing shall be fully funded at closing and allow for a maximum of four (4) funding disbursements in the form of wires or checks.

DOCUMENTATION: It shall be the responsibility of the Borrower to retain and compensate counsel to appropriately structure the financing documents according to Federal and State statutes. Documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with the Internal Revenue Code. These provisions must be acceptable to Lender.

Lender shall also require the Borrower to provide an unqualified bond counsel opinion, a no litigation certificate, and evidence of IRS Form 8038 filing. Lender and its counsel reserve the right to review and approve all documentation before closing. Lender will not be required to present the Note for payment.

REPORTING REQUIREMENTS: Lender will require financial statements to be delivered within 270 days after the conclusion of each fiscal year end throughout the term of the financing or in accordance with state requirements.

Lender shall have the right to cancel this offer by notifying the Borrower of its election to do so (whether this offer has previously been accepted by the Borrower) if at any time prior to the closing there is a material adverse change in the Borrower's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the Borrower or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to Lender.

Costs of counsel for the Borrower and any other costs will be the responsibility of the Borrower.

The stated interest rate assumes that the Borrower expects to borrow less than \$10,000,000 in the current calendar year and that the financing will be bank qualified and tax exempt under the Internal Revenue Code. Lender reserves the right to terminate this bid or to negotiate a mutually acceptable interest rate if the financing is not bank qualified and tax exempt.

Truist appreciates the opportunity to offer this financing proposal. Please call me at (704) 954-1706 with your questions and comments. We look forward to hearing from you.

Sincerely,

Truist Bank



Mary Parrish Coley
Senior Vice President

**NOTICE OF PUBLIC HEARINGS ON
URBAN REDEVELOPMENT PLANS ENTITLED
“THE CITY OF STONECREST CITY HALL URBAN REDEVELOPMENT PLAN”
AND “THE CITY OF STONECREST GOVERNMENT COMPLEX
URBAN REDEVELOPMENT PLAN”**

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that on the 2nd day of March 2020, at 6:00 p.m., at City Hall at 3120 Stonecrest Boulevard in Stonecrest, Georgia, the City Council of the City of Stonecrest (the “City”) will hold public hearings on (1) an urban redevelopment plan entitled “The City of Stonecrest City Hall Urban Redevelopment Plan” (the “City Hall Plan”) and (2) an urban redevelopment plan entitled “The City of Stonecrest Government Complex Urban Redevelopment Plan” (the “Government Complex Plan”).

The City Hall Plan sets forth an urban redevelopment project for the urban redevelopment area of approximately 17.802 acres located in the City at 2994 Turner Hill Road. The general scope of the urban redevelopment project set forth in the City Hall Plan consists of the acquisition of real property that is improved by an existing building containing approximately 131,514 square feet, which was used as a “Sam’s Club,” and the renovation of such building for use by the City as its City Hall.

The Government Complex Plan sets forth an urban redevelopment project for the urban redevelopment area of approximately 15.167 acres located in the City at 8020 Mall Parkway. The general scope of the urban redevelopment project set forth in the Government Complex Plan consists of the acquisition of real property that is improved by two existing buildings containing approximately 144,391 aggregate square feet, which were used as a “Sears Department Store and Automotive Center,” and the renovation of such buildings for use by the City for public safety purposes and for lease by the City to other state and local governmental entities.

Any interested person may submit oral or written comments on the City Hall Plan or the Government Complex Plan at the hearing. Both plans are on file at City Hall, 3120 Stonecrest Boulevard, Stonecrest, Georgia, and a copy of either plan may be obtained from the City Clerk of the City.

City Clerk, City of Stonecrest

AN ORDINANCE TO PROVIDE FOR OBTAINING A TEMPORARY LOAN TO PAY CURRENT EXPENSES OF THE CITY OF STONECREST IN CALENDAR YEAR 2020; TO PROVIDE FOR THE ISSUANCE AND SALE OF ITS TAX ANTICIPATION NOTE TO EVIDENCE SUCH LOAN; TO SPECIFY THE DATE AND THE RATE OF INTEREST THE NOTE SHALL BEAR; TO PROVIDE FOR THE FORM OF THE NOTE AND FOR THE EXECUTION OF THE NOTE; TO PROVIDE FOR THE PLACE OF PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; TO PROVIDE FOR THE SOURCE OF PAYMENT OF THE NOTE AND THE INTEREST THEREON; TO AUTHORIZE THE SALE OF THE NOTE TO TRUIST BANK; AND FOR OTHER RELATED PURPOSES.

WHEREAS, pursuant to Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983, the governing authority of the City of Stonecrest (the “City”) is authorized to incur debt by obtaining temporary loans in each calendar year to pay the current expenses of such year; and

WHEREAS, pursuant to this constitutional provision, the aggregate amount of all such temporary loans may not exceed 75% of the total gross income of the City from taxes actually collected in the last preceding year; and

WHEREAS, pursuant to this constitutional provision, no such temporary loan may be obtained when there is a loan then unpaid that was obtained in any prior year under this constitutional provision, nor may the City incur in any one calendar year an aggregate of such temporary loans or other contracts, notes, warrants, or other obligations for current expenses in excess of the total anticipated revenue for such calendar year; and

WHEREAS, all temporary loans obtained by the City in calendar year 2019 and all prior calendar years pursuant to this constitutional provision will be paid in full on or before the issuance and delivery of the tax anticipation note hereinafter authorized; and

WHEREAS, during calendar year 2019, the total gross income of the City from taxes actually collected in calendar year 2019 aggregated not less than \$4,119,582, and the City is accordingly authorized to obtain during calendar year 2020 a temporary loan or loans in an aggregate amount not exceeding seventy-five percent (75%) of such amount (which is \$3,089,686); and

WHEREAS, the total anticipated revenue for calendar year 2020 is not less than \$10,135,900, and to date the City has not incurred in excess of \$1,000,000 aggregate unpaid temporary loans or other contracts, notes, warrants, or other obligations for current expenses; and

WHEREAS, the City Council of the City, after an independent investigation of the present and future needs of the City, has determined that the City should obtain a temporary loan in the principal amount not to exceed \$3,060,000 for the purpose of providing moneys to pay current expenses to be incurred by the City during calendar year 2020; and

WHEREAS, the most feasible method of obtaining this temporary loan is by the issuance and sale of the City’s tax anticipation note for such purpose; and

WHEREAS, the City has solicited bids from various financial institutions for the purchase of not to exceed \$3,060,000 in principal amount of a tax anticipation note hereinafter authorized to be issued, and such tax anticipation note will be sold to Truist Bank (the “Note Purchaser”); and

WHEREAS, as a result of this sale, the tax anticipation note shall bear interest from the dates advances are made at the rate per annum hereinafter set forth, and all interest shall be payable on the date of the payment of the tax anticipation note; and

WHEREAS, the tax anticipation note should now be printed or otherwise reproduced, executed, and thereafter issued and delivered, and it is necessary to adopt a note form, to provide for the execution of the tax anticipation note, and to designate a place for the payment of the principal of and interest on the tax anticipation note; and

WHEREAS, the tax anticipation note, when issued, will constitute an indebtedness of the City that must be paid on or prior to December 31, 2020, and provision should be made for the pledge of the City’s full faith and credit and taxing power to produce moneys in an amount sufficient to provide for the payment of the principal of and interest on the tax anticipation note as the same become due and payable.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Stonecrest, and it is hereby ordained by authority of the same, as follows:

Section 1. As authorized pursuant to the provisions of Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983 and Section 36-80-2 of the Official Code of Georgia Annotated, the City of Stonecrest shall obtain a temporary loan in anticipation of the collection of taxes levied or to be levied during calendar year 2020, in a principal amount not to exceed \$3,060,000 pursuant to the terms and conditions hereinafter set forth, to pay current expenses of the City in calendar year 2020.

Section 2. (a) To evidence such temporary loan, there be and there is hereby authorized to be issued a tax anticipation note of the City in the principal amount not to exceed \$3,060,000 to be designated “City of Stonecrest Tax Anticipation Note” (the “Note”), and the Note shall be dated the date of its issuance and delivery, shall be issued only as a single, fully registered note without coupons in the principal amount not to exceed \$3,060,000, shall be numbered R-1, and shall bear interest from the dates advances are made at the rate of 2.10% per annum, payable at maturity and computed on the basis of a 360-day year for the number of days actually elapsed, and the entire principal amount of the Note shall mature on December 31, 2020.

(b) The Note shall be subject to optional redemption by the City prior to maturity, in whole and not in part on any banking day, at a redemption price equal to one hundred percent (100%) of the principal amount being redeemed plus accrued interest to the redemption date, but without premium or penalty. As a condition precedent to each optional redemption pursuant to the preceding sentence, the registered owner of the Note shall receive written notice of such optional redemption not less than 30 days and not more than 60 days prior to the date fixed for such redemption. Each such notice shall specify the date of redemption, the principal amount of the Note to be redeemed on such date, and the accrued interest (if the same can be calculated) to be paid on the redemption date with respect to the principal amount being redeemed.

Section 3. (a) The City shall keep at its office a register for the registration and registration of transfers of the Note. The name and address of the registered owner of the Note (the “Noteholder”), each transfer thereof, and the name and address of each transferee of the Note shall be registered in such register. Prior to due presentment for registration of transfer, the person in whose name the Note shall be registered shall be deemed and treated as the owner and holder thereof for all purposes hereof (including the receipt of payments of principal of and interest on the Note), whether or not the Note shall be overdue, and the City shall not be affected by any notice or knowledge to the contrary.

(b) Upon surrender of the Note at the office of the City for registration of transfer, duly endorsed or accompanied by a written instrument of transfer duly executed by the registered owner of the Note or its attorney duly authorized in writing and accompanied by the address for notices of each transferee of the Note, the City shall execute and deliver, at its expense (except as provided below), a new Note in exchange therefor, in a principal amount equal to the unpaid principal amount of the surrendered Note. Each such new Note shall be payable to such person as the former Noteholder may request and shall be issued as a single, fully registered note substantially in the form provided in Section 5 hereof. Each such new Note shall be dated and bear interest from the date to which interest shall have been paid on the surrendered Note or dated the date of the surrendered Note if no interest shall have been paid thereon. The City may require payment of a sum sufficient to cover any stamp tax or governmental charge imposed in respect of any such transfer of the Note. The Note shall not be transferred in a denomination of less than the unpaid principal amount of the surrendered Note.

(c) Upon receipt by the City of evidence reasonably satisfactory to it of the ownership of and the loss, theft, destruction, or mutilation of the Note, and

(1) in the case of loss, theft, or destruction, of indemnity reasonably satisfactory to it (provided that if the Noteholder is, or is a nominee for, the Note Purchaser or another Noteholder with a minimum net worth of at least \$25,000,000, such person’s own unsecured agreement of indemnity shall be deemed to be satisfactory), or

(2) in the case of mutilation, upon surrender and cancellation thereof,

the City at its expense shall execute and deliver, in lieu thereof, a new single, fully registered Note, dated and bearing interest from the date to which interest shall have been paid on such lost, stolen, destroyed, or mutilated Note or dated the date of such lost, stolen, destroyed, or mutilated Note if no interest shall have been paid thereon.

Section 4. All sums becoming due on the Note for principal and interest shall be paid in lawful money of the United States by the method and at the address specified for such purpose by the Noteholder in writing to the City, without the presentation or surrender of the Note or the making of any notation thereon, except that upon written request of the City made concurrently with or reasonably promptly after payment in full of the Note, the Noteholder shall surrender the Note for cancellation, reasonably promptly after any such request, to the City. Prior to any sale or other disposition of the Note, the Noteholder shall endorse thereon the amount of principal paid thereon and the last date to which interest has been paid thereon.

Section 5. The Note shall be executed by the Mayor or the Mayor Pro Tempore of the City and attested by the City Clerk or the Deputy City Clerk, and the official seal of the City shall be impressed upon the Note, and the Note shall be substantially in the form hereinafter set forth with such variations, omissions, and insertions as are permitted or required by this Ordinance:

[FORM OF NOTE]

THIS NOTE IS SUBJECT TO AN INVESTMENT LETTER AGREEMENT AND MAY NOT BE SOLD, TRANSFERRED, ASSIGNED, OR OTHERWISE DISPOSED OF EXCEPT PURSUANT TO THE TERMS OF SUCH INVESTMENT LETTER AGREEMENT.

**UNITED STATES OF AMERICA
STATE OF GEORGIA
CITY OF STONECREST
TAX ANTICIPATION NOTE**

Number R-1

Principal Amount Not To Exceed \$3,060,000

Date of Original Issue:

Maturity Date:

Interest Rate:

_____, 2020

December 31, 2020

2.10%

Registered Owner: Truist Bank

KNOW ALL MEN BY THESE PRESENTS THAT the **CITY OF STONECREST** (the “City”), a municipal corporation created and existing under the laws of the State of Georgia, for value received and in consideration of money borrowed, hereby promises to pay to the registered owner shown above, or registered assigns, with option of prior redemption as hereinafter provided, on the maturity date identified above, so much of the principal amount identified above that is advanced to it, as indicated in the Schedule of Advances attached to this Note, together with interest on the unpaid principal amount at the interest rate per annum identified above, from the dates advances are made until the principal amount has been fully paid, such interest being payable upon retirement of this Note and computed on the basis of a 360-day year for the number of days actually elapsed.

All sums becoming due on this Note for principal and interest shall be paid in lawful money of the United States by the method and at the address specified for such purpose by the registered owner of this Note in writing to the City, without the presentation or surrender of this Note or the making of any notation hereon, except that upon the written request of the City made concurrently with or reasonably promptly after payment in full of this Note, the registered owner of this Note shall surrender this Note for cancellation, reasonably promptly after any such request, to the City. Prior to any sale or other disposition of this Note, the registered owner of this Note shall endorse hereon the amount of principal paid hereon and the last date to which interest has been paid hereon.

This Note is the only note of an authorized issue limited in original principal amount to \$3,060,000, authorized by an ordinance duly adopted by the City Council of the City of Stonecrest (the “Governing Body”) on the ____ day of _____ 2020 (the “Note Ordinance”), and in accordance with Article IX, Section V, Paragraph V of the Constitution of the State of Georgia of 1983 and Section 36-80-2 of the Official Code of Georgia Annotated, for the purpose of obtaining a temporary loan to pay expenses of the City in calendar year 2020.

This Note is issued in anticipation of the collection of taxes levied or to be levied for the calendar year 2020. The aggregate amount of this Note, together with other temporary loans obtained by the City to pay expenses of the City in calendar year 2020, does not exceed 75% of the total gross income from taxes collected by the City in calendar year 2019 and does not exceed, together with other contracts, notes, warrants, and obligations of the City for current expenses in calendar year 2020, the total anticipated revenues of the City for calendar year 2020.

This Note shall be subject to optional redemption by the City prior to maturity, in whole and not in part on any banking day, at a redemption price equal to one hundred percent (100%) of the principal amount being redeemed plus accrued interest to the redemption date, but without premium or penalty. As a condition precedent to each optional redemption pursuant to the preceding sentence, the registered owner of this Note shall receive written notice of such optional redemption not less than 30 days and not more than 60 days prior to the date fixed for such redemption. Each such notice shall specify the date of redemption, the principal amount of this Note to be redeemed on such date, and the accrued interest (if the same can be calculated) to be paid on the redemption date with respect to the principal amount being redeemed.

This Note shall be issued as a single, fully registered note without coupons in the original principal amount not to exceed \$3,060,000. Upon surrender of this Note at the office of the City for registration of transfer, duly endorsed or accompanied by a written instrument of transfer duly executed by the registered owner of this Note or its attorney duly authorized in writing and accompanied by the address for notices of each transferee of this Note, the City shall execute and deliver, at the City's expense (except as provided below), a new Note in exchange herefor, in a principal amount equal to the unpaid principal amount of the surrendered Note. Each such new Note shall be payable to such person as the former registered owner of this Note may request and shall be issued as a single, fully registered note. Each such new Note shall be dated and bear interest from the date to which interest shall have been paid on the surrendered Note or dated the date of the surrendered Note if no interest shall have been paid hereon. The City may require payment of a sum sufficient to cover any stamp tax or governmental charge imposed in respect of any such transfer of this Note. This Note shall not be transferred in a denomination of less than the unpaid principal amount of the surrendered Note.

Prior to due presentment for registration of transfer, the person in whose name this Note shall be registered shall be deemed and treated as the owner and holder hereof for all purposes hereof (including the receipt of payments of principal of and interest on this Note), whether or not this Note shall be overdue, and the City shall not be affected by any notice or knowledge to the contrary.

All borrowings evidenced by this Note, including the date and amount of each advance, shall be endorsed by the registered owner of this Note on the Schedule of Advances attached to this Note; provided, however, that any failure by the registered owner of this Note to endorse such information on such Schedule shall not in any manner affect the obligation of the City to make payments of principal and interest in accordance with the terms of this Note. The City hereby irrevocably authorizes and directs the registered owner of this Note to enter on the Schedule of Advances the date and amount of each advance under this Note.

The City hereby pledges to the registered owner of this Note its full faith and credit and taxing power for the purpose of paying the principal of and interest on this Note as the same become due and payable, as more particularly provided in Section 6 of the Note Ordinance.

The City has designated this Note as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

It is hereby certified, recited, and declared that all acts, conditions, and things required by law to be done precedent to and in the issuance of this Note have been properly done, have happened, and have been performed in the manner required by the Constitution and statutes of the State of Georgia relating thereto; that the tax levies in anticipation of which this Note is issued are or will be valid and legal levies; that the City will use a sufficient amount of the proceeds of such tax levies and other available funds for the payment of this Note and the interest thereon; and that this Note, together with all other indebtedness of the City, is within every debt or other limit provided by the Constitution and statutes of the State of Georgia.

IN WITNESS WHEREOF, the City of Stonecrest, acting by and through its Governing Body, has caused this Note to be executed in its corporate name by the manual signature of its Mayor and to be attested by the manual signature of its City Clerk, and has caused the official seal of the City to be impressed hereon, all as of the Date of Original Issue set forth above.

CITY OF STONECREST

(SEAL)

By: _____
Mayor

Attest:

City Clerk

REVIEWED BY:

City Attorney

SCHEDULE OF ADVANCES

[illegible]

ASSIGNMENT AND TRANSFER

FOR VALUE RECEIVED, the undersigned, _____, hereby
sells, assigns, and transfers unto

(Tax Identification or Social Security No. _____)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints
_____ attorney to transfer the within Note on the
books kept for registration thereof, with full power of substitution in the premises.

Dated: _____
Signature _____

NOTICE: The signature(s) to this assignment must correspond with the name as it appears upon
the face of the within note in every particular, without alteration or enlargement or
any change whatsoever.

[END OF FORM OF NOTE]

Section 6. For the purpose of paying the principal of and interest on the Note as the same become due and payable, the City hereby pledges to the Noteholder its full faith and credit and taxing power for such payment. The City covenants that, in order to pay when due from its general funds to the extent required hereunder, it will exercise its power of taxation to the extent necessary to pay the principal of and interest on the Note when due and will make available and use for such payments all taxes levied and collected for that purpose together with funds received from any other sources. The City further covenants and agrees that in order to make funds available for such purpose in each fiscal year, it will, in its general revenue, appropriation, and budgetary measures through which its tax funds or revenues and the allocation thereof are controlled or provided for, include sums sufficient to satisfy any such payments of principal of and interest on the Note that may be required to be made when due, whether or not any other sums are included in such measure, until all principal and interest due on the Note shall have been paid in full. The obligation of the City to pay the principal of and interest on the Note shall constitute a general obligation of the City and a pledge of the full faith and credit of the City to provide the funds required to fulfill any such obligation. In the event for any reason any such provision or appropriation is not made as provided in this Section 6, then the fiscal officers of the City are hereby authorized and directed to set up as an appropriation on their accounts in the appropriate fiscal year the amounts required to pay the obligations that may be due from the general funds of the City. The amount of such appropriation shall be due and payable and shall be expended for the purpose of paying any such obligations, and such appropriation shall have the same legal status as if the City had included the amount of the appropriation in its general revenue, appropriation, and budgetary measures, and the fiscal officers of the City shall make such payments of principal of and interest on the Note to the Noteholder if for any reason the payment of such obligations shall not otherwise have been made.

Section 7. The City shall sell the Note to the Note Purchaser for the price of \$3,060,000. The Mayor or Mayor Pro Tempore of the City is hereby authorized to execute and deliver, on behalf of the City, a purchase contract between the City and the Note Purchaser, providing for the sale of the Note. The execution and delivery of a purchase contract by the Mayor or Mayor Pro Tempore of the City shall constitute conclusive evidence of the ratification, confirmation, and approval by the City of the terms and conditions of the purchase contract.

Section 8. The Note shall, in due course, be delivered to the Note Purchaser against payment for the Note.

Section 9. All actions taken or to be taken by the Mayor or Mayor Pro Tempore of the City and by the City Clerk or Deputy City Clerk relating to the authorization, issuance, and sale of the Note shall be, and the same are hereby, ratified, confirmed, and approved.

Section 10. The City recognizes that the purchaser and owner of the Note will have accepted the Note on, and paid for the Note a price that reflects, the understanding that interest on the Note is not included in the gross income of the owner for federal income tax purposes under laws in force at the time the Note shall have been delivered.

The City shall take any and all action that may be required from time to time in order to assure that interest on the Note shall remain excludable from the gross income of the owner of the Note for federal income tax purposes and shall refrain from taking any action that would adversely affect such status.

Prior to or contemporaneously with delivery of the Note, the Mayor or Mayor Pro Tempore of the City and the City Clerk or Deputy City Clerk shall execute a Certificate as to Arbitrage Matters on behalf of the City respecting the investment of the proceeds of the Note. Such certificate shall be a representation and certification of the City, and an executed counterpart thereof shall be delivered to the Note Purchaser. The City shall not knowingly invest or participate in the investment of any proceeds of the Note if such investment would cause interest on the Note to become included in gross income for federal income tax purposes.

The Mayor or Mayor Pro Tempore of the City or the City Clerk or Deputy City Clerk may also execute and deliver, on behalf of the City: (i) such agreements, filings, and other writings as may be necessary or desirable to cause or bind the City to comply with any requirements for rebate under Section 148(f) of the Internal Revenue Code of 1986, as amended (the “Code”), or (ii) such certificate or other writing as may be necessary or desirable to qualify for exemption from such rebate requirements.

The City shall calculate, from time to time, as required in order to comply with the provisions of Section 148(f) of the Code, the amounts required to be rebated (including penalties) to the United States and shall pay or cause to be paid to the United States any and all of such amounts on or before the due date.

The City hereby covenants and agrees that it will not use or permit any use of the proceeds of the sale of the Note, or use or permit the use of any of the facilities being financed thereby, which would cause the Note or any portion thereof to be a “private activity bond” within the meaning of Section 141 of the Code.

The City hereby designates the Note as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code and covenants that the Note does not constitute a “private activity bond,” as defined in Section 141 of the Code, and that not more than \$10,000,000 in aggregate principal amount of obligations the interest on which is excludable from gross income for federal income tax purposes (excluding, however, private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds, as defined in Section 145 of the Code), including the Note, have been or shall be issued by the City, including all subordinate entities of the City and all entities that issue obligations on behalf of the City, during calendar year 2020.

The covenants, certifications, representations, and warranties contained in this Section 10 shall survive payment in full or provision for payment in full of the Note.

Section 11. The Mayor or Mayor Pro Tempore of the City or the City Clerk or Deputy City Clerk are hereby authorized and directed to execute, for and on behalf of the City, such other agreements, certificates, or documents as may be necessary or desirable in connection with the issuance, sale, and delivery of the Note or the investment of the proceeds of the Note.

Section 12. All ordinances and resolutions, or parts of ordinances or resolutions, if any, in conflict with this Ordinance be and the same are hereby repealed.

PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE this ____ day of
_____ 2020.

(SEAL)

CITY OF STONECREST

Attest:

By: _____
Mayor

City Clerk

CITY CLERK'S CERTIFICATE

I, **MEGAN REID**, the duly appointed, qualified, and acting City Clerk of the City of Stonecrest (the "City"), **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter constitute a true and correct copy of the ordinance adopted by the City Council of the City at an open public meeting duly called and lawfully assembled at ____ p.m., on the ____ day of _____ 2020, in connection with the authorization of not to exceed \$3,060,000 in original principal amount of the City's Tax Anticipation Note, the original of such ordinance being duly recorded in the Minute Book of the City, which Minute Book is in my custody and control.

I do hereby certify that the following members of the City Council were present at such meeting:

Jason Lary
Jimmy Clanton
Rob Turner
Jazzmin Cobble
George Turner
Tammy Grimes

and that the following members were absent:

and that such ordinance was duly adopted by a vote of:

Aye ____ Nay ____.

WITNESS my hand and the seal of the City this the ____ day of _____ 2020.

(SEAL)

City Clerk, City of Stonecrest

Work Session
Agenda Item 4.i
Alcohol Sales Hours

Stonecrest Ordinance:

DIVISION 2. - ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION OF DISTILLED SPIRITS

Sec. 4.5.12. - Hours of sale and operation.

(a) Distilled spirits shall be sold and delivered to the customer for consumption on the premises during the following hours: (i) Monday through Friday hours are from 9:00 a.m. until 3:55 a.m. of the following day. (ii) Saturday hours are from 9:00 a.m. until 2:55 a.m. on Sunday. (iii) Sunday hours are from 12:30 p.m. until 2:55 a.m. on Monday as permitted by section 4.5.15. (b) Sales and deliveries during all other hours are prohibited. All licensed establishments must close their premises to the public and clear their premises of patrons by 3:30 a.m. and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Tucker Ordinance

Sec. 4-302. - Hours of operation; Sunday sales.

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTIONS](#) [EMAIL SECTION](#)

(a) Hours of sale and operation for on-premises consumption licenses. Alcoholic beverages shall be sold and delivered to the customer for consumption on the premises only during the following hours:

(1) Monday through Saturday hours are from 9:00 a.m. until 3:00 a.m. of the following morning.

(2) Effective April 10, 2018, Monday through Saturday hours are from 9:00 a.m. until 2:00 a.m. of the following day.

(3) Sunday hours shall be from 11:00 a.m. on Sunday, as authorized by O.C.G.A. § 3-3-7(j.1) and as approved by referendum of the Voters of the City of Brookhaven, until 2:00 a.m. on Monday morning.

(4) Sales during all other hours are prohibited. There shall be no consumption on the premises after prohibited hours have been in effect for 30 minutes. All licensed establishments must close their premises to the public and clear their premises of patrons no later than 30 minutes following the end of sales as defined above and shall not reopen to the public until 9:00 a.m. or thereafter. These times and rules also apply to the section or area of a grocery store in which sales for consumption on premises occur.

(5)

Establishments that qualify for Sunday sales. Excluding specialty shops, holders of a Class C or Class H License qualify for Sunday sales of **alcoholic** beverages.

(6)

Sunday sales—Certain exceptions. Permitted **hours** of sale and operation for on-premises consumption shall be extended to match Monday through Saturday **hours** for establishments that are otherwise eligible for Sunday sales when the following days or events occur on a Sunday: New Year's Day, NFL's Super Bowl; the Sunday before the Martin Luther King Federal Holiday; March 17 (St. Patrick's Day); May 5 (Cinco de Mayo); the Sunday before the Memorial Day Holiday; July 4 (Independence Day); Sunday before the Labor Day Holiday; October 31 (Halloween); and December 31 (New Year's Eve), unless pre-empted or prohibited by State law. This section does not allow Sunday sales at establishments that do not qualify for Sunday sales.

(b)

Hours of sale and operation for off-premises consumption licenses. Retailers may engage in the sale of **alcoholic** beverages only during the following **hours**:

(1)

Monday through Saturday **hours** from 8:00 a.m. to 12:00 midnight.

(2)

Sunday **hours** are from 12:30 p.m. to 11:30 p.m.

(c)

Licensees may open their establishments for the sale of **alcoholic** beverages on any election day, except within 200 yards of any polling place.

(Ord. No. [2017-10-02](#), § 2(Att. A), 10-10-2017; Ord. No. [2018-08-07](#), § 1(attch.), 8-28-2018; Ord. No. [2018-07-01](#), § 1, 7-24-2018; Ord. No. [2018-10-04](#), § 1, 10-23-2018; Ord. No. [2018-11-02](#), § 1, 11-13-2018)

Dunwoody Ordinance:

Sec. 4-135. - Hours of operation.

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTIONS](#) [EMAIL SECTION](#) [COMPARE VERSIONS](#)

(a)

Package licensees shall not engage in the sale of **alcoholic** beverages except between the **hours** of 7:00 a.m. and 12:00 midnight Monday through Saturday and between the **hours** of 12:30 p.m. and 11:30 p.m. on Sunday. Package licensees shall not permit their places of business to be open except between the **hours** of 7:00 a.m. and 12:00 midnight, Monday through Saturday, or between the **hours** of 12:30 p.m. and 11:30 p.m. on Sundays, except that where the primary business of a malt beverage package licensee or **wine** package licensee is other than the sale of **alcoholic** beverages, such restrictive **hours** shall apply only with respect to the sale of malt beverages or **wine**.

(b)

Consumption on the premises licensees shall sell **alcoholic** beverages only between the **hours** of 9:00 a.m. and 2:00 a.m. on the following day, Monday through Saturday. Sunday sales may be made by eating establishments, as defined herein, or by a private club between the **hours** of 11:00 a.m. and 2:00 a.m. the

following day, provided license for Sunday sales has been granted and the fee paid. Consumption on the premises licensees shall not allow **alcoholic** beverages sold under this subsection to be consumed after 2:30 a.m.

(c)

The business **hours** of wholesale dealers shall be between the **hours** of 6:00 a.m. and 11:00 p.m., Monday through Saturday. There shall be no sales on Sunday.

(Comp. Ords. 2008, ch. 4, art. 5, § 5; Ord. No. 2011-06-21, § 2, 6-20-2011; Ord. No. 2018-07-12, § 1, 7-23-2018)

Brookhaven ordinance

Hours of operation; Sunday sales.

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTIONS](#) [EMAIL SECTION](#)

(a)

Hours of sale and operation for on-premises consumption licenses. **Alcoholic** beverages shall be sold and delivered to the customer for consumption on the premises only during the following **hours**:

(1)

Monday through Saturday **hours** are from 9:00 a.m. until 3:00 a.m. of the following morning.

(2)

Effective April 10, 2018, Monday through Saturday **hours** are from 9:00 a.m. until 2:00 a.m. of the following day.

(3)

Sunday **hours** shall be from 11:00 a.m. on Sunday, as authorized by O.C.G.A. § 3-3-7(j.1) and as approved by referendum of the Voters of the City of Brookhaven, until 2:00 a.m. on Monday morning.

(4)

Sales during all other **hours** are prohibited. There shall be no consumption on the premises after prohibited **hours** have been in effect for 30 minutes. All licensed establishments must close their premises to the public and clear their premises of patrons no later than 30 minutes following the end of sales as defined above and shall not reopen to the public until 9:00 a.m. or thereafter. These times and rules also apply to the section or area of a grocery store in which sales for consumption on premises occur.

(5)

Establishments that qualify for Sunday sales. Excluding specialty shops, holders of a Class C or Class H License qualify for Sunday sales of **alcoholic** beverages.

(6)

Sunday sales—Certain exceptions. Permitted **hours** of sale and operation for on-premises consumption shall be extended to match Monday through Saturday **hours** for establishments that are otherwise eligible

for Sunday sales when the following days or events occur on a Sunday: New Year's Day, NFL's Super Bowl; the Sunday before the Martin Luther King Federal Holiday; March 17 (St. Patrick's Day); May 5 (Cinco de Mayo); the Sunday before the Memorial Day Holiday; July 4 (Independence Day); Sunday before the Labor Day Holiday; October 31 (Halloween); and December 31 (New Year's Eve), unless pre-empted or prohibited by State law. This section does not allow Sunday sales at establishments that do not qualify for Sunday sales.

(b)

Hours of sale and operation for off-premises consumption licenses. Retailers may engage in the sale of **alcoholic** beverages only during the following **hours**:

(1)

Monday through Saturday **hours** from 8:00 a.m. to 12:00 midnight.

(2)

Sunday **hours** are from 12:30 p.m. to 11:30 p.m.

(c)

Licensees may open their establishments for the sale of **alcoholic** beverages on any election day, except within 200 yards of any polling place.

(Ord. No. [2017-10-02](#), § 2(Att. A), 10-10-2017; Ord. No. [2018-08-07](#), § 1(attch.), 8-28-2018; Ord. No. [2018-07-01](#), § 1, 7-24-2018; Ord. No. [2018-10-04](#), § 1, 10-23-2018; Ord. No. [2018-11-02](#), § 1, 11-13-2018)

Haven Ordinance:

Alejandro Ferrell
CODE ENFORCEMENT DIRECTOR
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd
Stonecrest, GA 30038
direct: 770.224.0207
cell: 470.445.3065
main: 770.224.0200
afferrell@stonecrestga.gov
www.stonecrestga.gov

From: Alejandro Ferrell

Sent: Wednesday, February 19, 2020 11:21 AM

To: Plez Joyner <PJoyner@stonecrestga.gov>; Megan Reid <MReid@stonecrestga.gov>

Cc: Chris Wheeler <CWheeler@stonecrestga.gov>

Subject: FW: Alcohol Sales Hours

Good morning all,

I would like to get this on the work session for discussion with MCC.

Regards,

Alejandro Ferrell

CODE ENFORCEMENT DIRECTOR

CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd

Stonecrest, GA 30038

direct: 770.224.0207

cell: 470.445.3065

main: 770.224.0200

aferrell@stonecrestga.gov

www.stonecrestga.gov

From: Alejandro Ferrell

Sent: Wednesday, September 4, 2019 11:38 AM

To: Julian Jackson <JJackson@stonecrestga.gov>; Plez Joyner <PJoyner@stonecrestga.gov>

Cc: Megan Reid <MReid@stonecrestga.gov>

Subject: Alcohol Sales Hours

GGood morning all,

I received a call from Maj Banks with Dekalb PD on yesterday evening and he states the City of Stonecrest is the only municipality in Dekalb County that allows alcohol served until 330 am. I do recall in early 2018 when the County changed their ordinance to 230 and the Stonecrest MCC looked at the same hours it was deferred or pulled to be looked at in future legislation. I advised him I would refer back to the CM office for discussion. Below is the current Deklab County Ordinance related to this activity.

RRegards,

Alejandro Ferrell

-
- **Sec. 4-128. - Sunday sales.**
 - [Share Link](#)
 - [Print](#)
 - [Download \(docx\)](#)
 - [Email](#)
 - [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from the sale of prepared meals or food, or licensed establishments deriving at least sixty (60) percent of their total annual income from the rental of rooms for overnight lodging, are authorized to apply for a Sunday sales permit to sell and serve distilled **spirits** by the drink from 11:00 a.m. on Sunday until 2:00 a.m. of the following Monday. Failure to adhere to these standards shall result in the automatic revocation or denial of a Sunday sales permit by the county.

(b)

Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the finance department. The finance department may, at anytime, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the finance department. No later than March 31st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

(c)

All annual permit renewals shall be filed with the finance department not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

(d)

Sunday sales permits may be granted for the full calendar year or for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month. Fees are not refundable and permits shall not be transferable.

(e)

Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for one (1) calendar month and partial months shall be counted as a full month. Licensees must apply thirty (30) days in advance of the issuance date.

(Code 1976, § 7-2046; Ord. No. 93-05, § 1, 3-9-93; [Ord. No. 17-06](#), Pt. I, 12-12-17; [Ord. No. 18-07](#), Pt. I, 11-13-18)

State Law reference— Local authorization and regulation of Sunday sales, O.C.G.A. § 3-3-7.

- **Sec. 4-129. - Open area and patio sales.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

No consumption and/or sale of distilled **spirits** shall be allowed in open areas and patios unless first permitted and approved by the finance department. The department shall prepare such appropriate regulations as to ensure the safe and orderly operation of these establishments, including but not limited to regulations pertaining to maximum capacity, ingress and egress.

(Code 1976, § 7-2047; Ord. No. 98-04, Pt. 1, 4-30-98)

- **Secs. 4-130—4-145. - Reserved.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

- **DIVISION 3. - ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION OF **BEER** AND **WINE****^[5]

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Footnotes:

--- (5) ---

Cross reference— Food service establishments, § 13-281 et seq.

- **Sec. 4-146. - Types of retail establishments.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(a)

No **beer** or **wine** shall be sold for consumption on the premises where sold except in eating establishments having a full-service kitchen prepared to serve food every **hour** they are open. These establishments must be located in zoning districts which permit restaurants and drive-in restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.

(b)

A golf course within a planned development, as authorized by the 1970 zoning ordinance, as amended, a stadium facility during the playing of professional athletic competitions, and a licensed or leased athletic complex within a park owned by DeKalb County, may be issued a **beer** and **wine** consumption-on-the-premises license without meeting the full-service kitchen requirement. No license may be issued for use at a park or stadium at which the consumption of **alcohol** is not permitted under sections [19-30\(c\)](#) or [4-101.1](#) of this Code.

(Code 1976, § 7-2061; Ord. No. 97-09, § 1, 5-13-97; Ord. No. 98-04, Pt. 1, 4-30-98; Ord. No. 99-07, Pt. 1, 2-23-99)

- **Sec. 4-147. - **Hours** of sale and operation.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)

○ **Compare**

[SHARE LINK TO SECTION](#)
[PRINT SECTION](#)
[DOWNLOAD \(DOCX\) OF SECTION](#)
[EMAIL SECTION](#)
[COMPARE VERSIONS](#)

Beer and/or **wine** shall be sold and delivered to the customer for consumption on the premises only during the following **hours**:

(a)
Monday through Wednesday **hours** are from 9:00 a.m. until 2:00 a.m. of the following day.

(b)
Thursday through Saturday **hours** are from 9:00 a.m. until 2:30 a.m. of the following day.

(c)
Sunday **hours** are from 11:00 a.m. until 2:00 a.m. of the following Monday as permitted by [section 4-149](#).

(d)
Sales or deliveries during all other **hours** are prohibited. There shall be no consumption on the premises after prohibited **hours** have been in effect for one-half (½) **hour**. All licensed establishments must likewise close their premises to the public and clear their premises of patrons within one-half (½) **hour** after the time set by this chapter for discontinuance of the sale of **alcoholic** beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

(Code 1976, § 7-2063; Ord. No. 89-14, § 2, 4-11-89; Ord. No. 98-04, Pt. 1, 4-30-98; Ord. No. 10-12, Pt. I, 6-22-10; [Ord. No. 17-06](#), Pt. I, 12-12-17; [Ord. No. 18-07](#), Pt. I, 11-13-18)

Alejandro Ferrell
MANAGER OF CODE ENFORCEMENT
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd
Stonecrest, GA 30038
direct: 770.224.0207
cell: 470.445.3065
main: 770.224.0200
afferrell@stonecrestga.gov

Work Session

Agenda Item 4.ii

Shopping Cart Ordinance

College Park GA:

Sec. 12-22. - Shopping carts; removal, abandonment, recovery by owner, disposition of unclaimed carts.

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTIONS](#) [EMAIL SECTION](#) [COMPARE VERSIONS](#)

(a)

As used in this section, "shopping cart" means those push carts of the type which are commonly provided by grocery stores, drug stores, or other merchant stores or markets for the use of the public in transporting commodities in stores and markets, and incidentally from the stores to a place outside the store.

(b)

It shall be unlawful for any person to remove a shopping cart from the premises of the owner of such shopping cart without consent of the owner or the owner's agent, servant or employee. For the purpose of this section, the premises shall include all of the parking areas set aside by the owner or on behalf of the owner for the parking of vehicles for the convenience of the patrons of the owner.

(c)

It shall be unlawful for any person to abandon a shopping cart upon any public street, sidewalk, way, or parking lot, other than the parking lot of the premises of the owner, or to abandon same upon private property not authorized by the owner of the shopping cart for the storage of shopping carts. Any shopping cart found off of the premises of a shopping area shall be deemed an abandoned shopping cart unless ownership is claimed by an adult who shall give such adult's name and address and the name and address from whom said shopping cart was purchased or acquired.

(d)

Upon the discovery of any abandoned shopping cart which can be identified as belonging to a particular owner, the city police or the city building inspector shall give written notice to the owner of said abandoned shopping cart, who shall within three (3) days of the written notice, take possession of and return the shopping cart to such owner's premises.

(e)

If the owner fails to remove the abandoned shopping cart after three (3) days from the written notice, the city may remove the abandoned shopping cart and dispose of the same at the expense of the owner.

(f)

If the owner of an abandoned shopping cart cannot be identified, the city may remove said abandoned shopping cart and dispose of the same in any manner, including the sale by private or public sale. Any owner proving ownership at a private or public sale shall be liable for the expenses incurred by the city. Notwithstanding the above, the city shall be authorized to charge a fee of twenty dollars (\$20.00) to any owner proving ownership of an abandoned shopping cart.

(Ord. No. 97-11, § 1, 4-21-97)

Smyrna GA :

Sec. 66-13. - Shopping carts; removal; abandonment; impoundment.

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTIONS](#) [EMAIL SECTION](#) [COMPARE VERSIONS](#)

(a)

It shall be unlawful for any person to remove a shopping cart from the premises, posted as provided in O.C.G.A. § 16-8-21(d), of the owner of such shopping cart without the consent, given at the time of such removal, of the owner or of his agent or employee. Premises shall include the parking area set aside by the owner or on behalf of the owner for the parking of cars for the convenience of the patrons of the owner.

(b)

It shall be unlawful for any person to abandon a shopping cart upon any public street, sidewalk, way, or parking lot other than a parking lot on the premises of the owner.

(c)

Shopping carts abandoned on any public street, sidewalk, way, or parking lot will be impounded by the city. For the purpose of this section an abandoned shopping cart shall be deemed to be a cart which is unattended and positioned in any of the locations described except a parking lot adjacent to or provided to the owner of such shopping cart for the purpose of conducting the business of such owner. Any shopping cart impounded by the city under this section may be reclaimed by the owner thereof by submitting evidence, satisfactory to the city, of ownership and the payment of \$25.00 for each cart so impounded. Any shopping cart impounded under this section which has not been reclaimed by an owner as herein specified within 60 days shall be disposed of by the city in the same manner as other property seized by the city.

(Ord. No. 94-12, 7-5-94; Ord. No. 94-16, 11-7-94)

Editor's note— Ordinance No. 94-12, adopted July 5, 1994, did not specifically amend this Code; hence, codification of the substantive provisions of said ordinance as [§ 66-13](#) herein was at the editor's discretion.

Savannah, GA:

- **ec. 9-2017. - Purpose.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

The mayor and aldermen find that it is in the public interest to provide for the prompt retrieval of lost, stolen or abandoned shopping carts in order to eliminate blight and improve the image and appearance of the city. It is the purpose of this ordinance to have the owners and operators of businesses providing shopping carts to use the means available to them to deter, prevent or mitigate the removal of shopping carts from their business premises. It is further the purpose of this ordinance to prevent the illegal removal of shopping carts from business premises.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2018. - Declaration of public nuisance.**
- [Share Link](#)

- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Shopping carts that have been illegally removed from the premises of businesses and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health, safety and welfare of the public. They create conditions of blight in the community, obstruct free access to sidewalks, streets and other public rights-of-way, interfere with pedestrian and vehicular traffic, impede emergency services, and create impediments to the flow of water in drainage systems and other waterways when abandoned within drainage culverts and easements. It is for these reasons such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this chapter, or as provided by law.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2019. - Definitions.**
 - [Share Link](#)
 - [Print](#)
 - [Download \(docx\)](#)
 - [Email](#)
 - [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

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:

(a)

Shopping cart shall mean a basket mounted on wheels or a similar device which is generally used in a retail establishment by a customer for the purpose of transportation of goods of any kind.

(b)

Abandoned means a shopping cart that is left unattended or discarded upon public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with the permission of the owner. For purposes of this ordinance, any shopping cart left unattended or discarded on any public property shall be presumed abandoned, and any shopping cart left unattended or discarded on any private property shall be presumed abandoned unless the owner or occupant of the private property is: (i) the owner, employee, or authorized agent of the owner, entitled to possession of said shopping cart, (ii) an officer, employee, or agent of a cart retrieval

service hired by the owner to retrieve shopping carts, or (iii) is enforcement personnel retrieving, storing or disposing of a cart pursuant to the provisions of this ordinance.

(c)

Preventative measures means a description of the specific measures that the business owner will implement to prevent removal of any cart from the business premises. Such measures may include, but are not limited to:

(1)

Electronic or other disabling devices on any cart so they cannot be removed from the business premises;

(2)

Use of courtesy clerks to accompany customers and return carts to the inside of the business premises;

(3)

Education provided to customers regarding criminal penalties associated with removal of a cart from the premises; and

(4)

Other demonstrably effective measures likely to prevent removal of carts from the business premises.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2020. - Abandoned shopping cart prevention and retrieval plan.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Each retail establishment with ten or more shopping carts is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the city. All retail establishments must provide, upon request, a cart prevention and retrieval plan. Two or more retail establishments may collaborate on a single plan. Plans must be available upon request, within 60 days of the effective date of this ordinance, and must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the city. The plan shall include:

(a)

Owner/point of contact information. The name of the owner/manager; the physical address where the retail establishment is conducted; and the name, address, and telephone number(s) of the

owner/manager and any point of contact to call and report an abandoned cart, including any changes of such persons.

(b)

Shopping carts to be maintained on-site. The following are required measures to contain shopping carts on-site. The owner of the retail establishment may install specific physical measures on the carts or implement other measures to prevent cart removal from business premises. These measures may include, but are not limited to:

(1)

Installing disabling devices on all carts;

(2)

Installing bollards and chains around business entrances/exits to prevent cart removal;

(3)

Providing carts for rental or sale that can be temporarily or permanently used for the purpose of transporting purchases; or

(4)

Providing personnel for the purposes of the retrieval of lost, stolen or abandoned shopping carts. Such personnel may be either employees of the business or one or more independent contractors hired by the owner to provide shopping cart retrieval services, or combination of both.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2021. - Identification affixed to carts.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Every shopping cart made available for use by customers shall affix on each shopping cart, and maintain thereon, legible information identifying the name of the retail establishment with which it is owned or otherwise associated.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2022. - Employee training.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)

- **Compare**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS](#)

The owner/manager of the retail establishment shall communicate the cart retrieval plan to new and existing store managers designed to educate such employees concerning the requirements of the plan and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2023. - New development requirements.**

- **Share Link**
- **Print**
- **Download (docx)**
- **Email**
- **Compare**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS](#)

New developments and businesses of over 15,000 square feet in area and having more than ten carts shall be required to provide, upon request, a cart retrieval plan prior to the issuance of a certificate of occupancy for the facility.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2024. - Effective date; compliance.**

- **Share Link**
- **Print**
- **Download (docx)**
- **Email**
- **Compare**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS](#)

The effective date of this ordinance shall be June 1, 2018. Within 60 days of the effective date of this ordinance, each retail establishment that utilizes shopping carts in the operation of its business shall affix on each shopping cart, and maintain thereon, information identifying the name of the retail establishment.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2025. - Enforcement.**

- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

The provisions of this ordinance shall be enforced by code enforcement personnel. In the enforcement of this ordinance, enforcement personnel may enter upon public property which the city owns or has a right to enter to examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart and remove, or cause removal of, a shopping cart, or parts thereof, declared to be a nuisance pursuant to this ordinance.

(Ord. of [1-18-2018\(4\)](#), § 1)

- **Sec. 9-2026. - Penalty for failure to submit, modify or implement plan.**
- [Share Link](#)
- [Print](#)
- [Download \(docx\)](#)
- [Email](#)
- [Compare](#)

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Any retail establishment that fails to provide a plan upon request, shall constitute a violation of this ordinance, and be subject to the procedure and penalties that follow:

(a)

Once a merchant or point of contact, as specified in the cart retrieval plan, has spoken with code enforcement, the merchant has 72 hours to remove carts.

(b)

If the city has to remove the carts, they will be immediately disposed of and the business fined a recovery fee.

(c)

The recovery fee will be established yearly in the city's revenue ordinance. For 2018 the fees shall be: one cart picked up \$250.00; more than one cart at the same location, \$250.00 plus \$125.00 for each additional cart collected during the same recovery effort.

(d)

Failure of any business to provide a cart retrieval plan within 24 hours of request shall result in a fine not to exceed \$500.00.

(Ord. of [1-18-2018\(4\)](#), § 1)

Work Session

Agenda Item 4.iii

Donation Box Ordinance

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #03-2013

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES;
AMENDING CHAPTER 52, ZONING, ARTICLE VI, SUPPLEMENTAL
REGULATIONS, ADOPTING AN ORDINANCE REGULATING DONATION BOXES.**

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

Chapter 52, Article VI, Section 908 is hereby added as follows:

Section 52-908: Donation Box

- (a) Definition. Donation box – An unattended receptacle designed with a door, slot, or other opening that is intended to accept donated goods or items.
- (b) Intent. It is the intent of this section to regulate donation boxes to help protect the health, safety and welfare of the citizens of the city by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of donation boxes and properties upon which donation boxes are located. The large number of donation boxes in the city has become an attractive nuisance for minors and/or criminal activity. It is also the intent of this section to preserve the aesthetics and character of the community by limiting and restricting the number and placement of donation boxes. The City also needs to be able to contact owners for maintenance issues, fire safety and police reasons. Last, the citizens of Allen Park are entitled to know to whom the donations are going and for what purpose per Public Acts 195 and 196 of 2010 (MCL 445.903).
- (c) Only donation boxes directly associated with the principal use of the subject property shall be permitted if the following conditions are met:
 - 1. Licenses for donation boxes shall be acquired from the building department for a fee set from time to time by city council.
 - 2. Licenses shall be renewed annually for a set renewal fee and are non-transferable.
 - 3. Site Plan Review by the Planning Commission is required for each licensee.
 - 4. As part of the application to locate a donation box, written authorization from the property owner must be obtained and provided to the City of Allen Park.
 - 5. Donation boxes shall not exceed six (6) feet, six (6) inches in height, five (5) feet wide and four (4) feet deep and if located in the parking lot shall not obstruct

more than one surplus parking space.

6. Donation boxes shall not be located in the front or corner side yard and must be located to minimize the visual impact when viewed from a public right of way.
7. Donation boxes shall only be located upon properties zoned for the following uses: commercial including C-1 Neighborhood Business Districts (Sec. 52-237 *et seq.*), and on any property used for following primary purposes regardless of which zone the property is located in: educational, governmental, religious, or not-for-profit.
8. Donation boxes shall include an informational posting on the box in a conspicuous place stating whether the organization accepting the donations is a for-profit or not-for-profit, and the name of the organization accepting the donation; and the donation box shall also have a sticker issued by the City of Allen Park indicating that the box is licensed for the current year, posted in a conspicuous place on the donation box.
9. The license application obtained from the building department shall include a local contact person and the operator of the donation box, with the appropriate contact telephone number to address any maintenance or damage concerns with the donation box.
10. The donation box shall not be placed in a location to interfere with or cause a visual obstruction to vehicle or pedestrian traffic.
11. Donated materials or items shall not be stored or left outside the donation box.
12. Illegally placed donation boxes will be seized and impounded at the donation box owner's expense.

- (d) A donation box that exists on the effective date of this division that fails to acquire a license within sixty days of the effective date shall cease operating at the existing site, until it comes into compliance with this division.

SECTION 2. Repeal.

All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any

reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **9th day of July, 2013.**

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park

Ordinances Governing
DONATION BOXES
in the
CITY OF ARLINGTON
TEXAS

Adopted by Ordinance No. 18-044
(August 21, 2018)

(Chapter Designator: DONATION BOXES)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
16-020	04/26/16	Adopt new “Donation Boxes” Chapter of the Code of the City of Arlington, Texas, 1987; providing regulations for donation boxes and establishing requirements for permits allowing the placement of donation boxes on approved open spaces on private property.
18-044	08/21/18	Amend Article II , <u>Definitions</u> , in its entirety, and amend Article III , <u>Registration</u> , in its entirety, revising requirements for permits allowing the placement of donation boxes on approved open spaces on private property.

TABLE OF CONTENTS

ARTICLE I GENERAL PROVISIONS

Section 1.01	Title
Section 1.02	Purpose
Section 1.03	Applicability

ARTICLE II DEFINITIONS

Section 2.01	Definitions
--------------	-------------

ARTICLE III REGISTRATION

Section 3.01	Donation Box – General Provisions
Section 3.02	Donation Box Permit and Decal Required
Section 3.03	Permit Requirements
Section 3.04	Applications for Permits
Section 3.05	Transfer of permit prohibited
Section 3.06	Maintenance and Upkeep
Section 3.07	Revocation of permit
Section 3.08	Fees
Section 3.09	Administrative Appeals of Denial or Revocation of Permit
Section 3.10	Appeals of Administrator Decision

ARTICLE IV ENFORCEMENT AND PENALTIES

Section 4.01	Offense/Penalty
--------------	-----------------

ARTICLE I**GENERAL PROVISIONS****Section 1.01 Title**

This Chapter of the Code of the City of Arlington is hereby designated and shall be known and referred to as the “Donation Boxes” Chapter of the City Code of Ordinances.

Section 1.02 Purpose

The purpose of this Chapter is to protect the public health, safety and welfare of Arlington residents by requiring the registration and permitting of donation boxes on private property within the City limits of the City of Arlington. This Chapter further serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of developed property. The provisions included herein are intended to provide efficient legal remedies for unpermitted or poorly maintained donation boxes that threaten the orderly development of the City. These provisions are cumulative of all City ordinances.

Section 1.03 Applicability

The requirements of this Chapter shall apply to all donation boxes regardless of whether said boxes were placed prior to the effective date of these regulations. No previously placed donation boxes shall be granted any legally non-conforming rights under this Chapter or the “Unified Development Code” Chapter of the Code of the City of Arlington, Texas, as amended. (Adopt Ord 16-020, 4/26/16)

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

“Administrator” means the director of the department designated by the City Manager to enforce and administer this Chapter, including the Director’s designees.

“City Appeal Officer” means the authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

“Donation Box” means any drop-off box, container, trailer or other receptacle that is intended for use as a collection point for accepting donated textiles, clothing, shoes, books, toys, dishes, household items, or other salvageable items of personal property.

“Fluorescent” means a color that appears very bright, vivid, or glowing to the human eye.

“Front Side” means the side of a donation box that contains the opening that allows the depositing of donated items.

“GPS” means global positioning system.

“Person” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

(Amend Ord 18-044, 8/21/18)

ARTICLE III
REGISTRATION

Section 3.01 Donation Box – General Provisions

- A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, a donation box at any location within the City of Arlington, without a valid permit issued in accordance with this Article.
- B. Any donation box located within the jurisdiction of the City of Arlington that does not have a current, valid permit shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.
- C. Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts in the Unified Development Code: Industrial Manufacturing (IM), Light Industrial (LI), and General Commercial (GC). Donation boxes may also be permitted on real property zoned Planned Development with the above-referenced underlying zoning use districts. Donation boxes shall not be permitted to be placed on real property located within any other zoning use districts.

Section 3.02 Donation Box Permit and Decal Required

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Arlington, to authorize or allow any donation box to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this Article.

Section 3.03 Permit Requirements

- A. Permit and decal required. A permit and corresponding decal to allow a donation box to be placed and used at a designated location shall be issued by the Administrator within sixty (60) days of receipt of a completed application after determining that all the requirements of this Section are satisfied.

DONATION BOXES

3.03

- B. Authorization for use. A written authorization allowing the donation box on the property shall be required from the real property owner, lessee, or property manager.
- C. Requirement to keep clean. A permit holder shall be responsible for collecting the contents of the donation box to prevent overflow and littering. A permit holder shall keep the real property situated within 25 feet of the location of a donation box clean and free of trash, debris, broken glass, coat hangers, clothes, clothing accessories, or excess donations. A permit holder that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the permit holder, the permit holder shall have 48 hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. A permit holder who is issued a citation within the one-year term of a donation box permit is subject to revocation of the associated donation box permit.
- D. Number of Boxes Allowed. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot. In the case of a shopping center or office development, the Administrator can permit a single additional donation box; provided that neither box is within 50-feet of the other, unless both donation boxes are operated by the same person.
- E. Maximum Size of the Box. No donation box shall exceed 120 cubic feet in size.
- F. Construction Material for the Box. Each donation box shall be constructed from metal material to prevent high winds from toppling and/or moving the donation box and to reduce the potential of arson or graffiti.
- G. Color of the Box. Each donation box shall be painted one solid color. Trade dress color schemes or corporate logos will be allowed. No fluorescent colors shall be used for a donation box or its associated signage.
- H. GPS Coordinates. No donation box shall be permitted without a valid set of GPS coordinates identifying the placement location of the donation box.
- I. Placement on Site. No donation box shall be permitted within the row of parking adjacent to street right-of-way unless an existing landscape setback is present in

good condition. If there is no existing landscape setback, a donation box shall not be placed less than 40 feet from the adjacent street right-of-way.

- J. Notice to donators. Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.
- K. Contact information. The permit holder placing or maintaining the donation box shall display current contact information including street address and phone number on the donation box. Said information must be readable and clearly visible to the public from the front side of the box. The size of lettering for the contact information shall not be less than one-half inch in height.

Section 3.04 Applications for Permits

- A. Applicants for permits under this Article shall file a written, sworn application with the Administrator. The application shall include the written authorization of the property owner, lessee, or property manager allowing the donation box on the property. A site plan depicting the exact proposed location (with GPS coordinates indicated) of the donation box shall be submitted with each application.
- B. A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address and GPS coordinates stated on the permit.
- C. An annual permit fee for each donation box shall be required. All permits shall expire on the one-year anniversary of the date of issuance.
- D. Any person denied a permit shall have the right to appeal such action in accordance with the provisions of Section 3.09.

Section 3.05 Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable. The authority a permit confers is conferred only on the permit holder named therein.

Section 3.06 Maintenance and Upkeep

- A. The permit holder and the real property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.
- B. The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance under the procedures contained in the “Nuisance” Chapter of the Code of the City of Arlington, Texas, 1987, as amended. This provision does not exclude or limit the use of any other provision in this Chapter, the Arlington City Code, or the laws of the State of Texas.
- C. The visual and structural integrity of the donation box must be maintained continuously.
- D. The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- E. The donation box shall not be located in a required landscape or building setback, drainage easement, floodplain, driveway, utility easement or fire lane.
- F. At least one (1) stacking or parking space must be provided for use of persons accessing the donation box.
- G. The donation box must not be located in, or block public access to, any required off-street parking spaces, access easements, or stacking lanes serving a structure on the property, fire lane, or fire hydrant.
- H. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box on the front side.
- I. The donation box shall only be used for the solicitation and collection of clothing and household items. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.
- J. No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district. Said distance shall be measured from a donation box to a residential lot line.

- K. The donation box shall be continuously maintained in compliance with all requirements imposed by Section 3.03, Permit Requirements, as amended.

Section 3.07 Revocation of permit

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has (1) received a citation for a violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month time period or (2) has knowingly made a false material statement in the application or (3) has otherwise become disqualified for the issuance of a permit under the terms of this Article.
- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.
- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of Section 3.09 herein.
- D. Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.
- E. One-Year Waiting Period. In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Section 3.08 Fees

All fees established by this Chapter shall be in an amount set by resolution of the City Council.

Section 3.09 Administrative Appeals of Denial or Revocation of Permit

- A. Upon denial or revocation of a permit for a donation box, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.
- B. The appeal shall be conducted within twenty (20) days of the date on which the notice of appeal was filed with the Administrator.
- C. The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.
- D. After such hearing, an applicant that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals.
- E. An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

Section 3.10 Appeals of Administrator Decision

- A. All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Section 3.09 above.

- B. The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.
- C. If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.
- D. The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal:
 - 1. The number of violations, convictions, or liability findings;
 - 2. The number of previous revocations;
 - 3. The number of repeat violations at the same location;
 - 4. The degree to which previous violations endangered the public health, safety or welfare; or
 - 5. Any pending action or investigation by another agency.
- E. After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.
- F. The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).
- G. The determination of the City Appeal Officer shall be final on the date the order is signed.
- H. An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer.

(Amend Ord 18-044, 8/21/18)

ARTICLE IV
ENFORCEMENT AND PENALTIES

Section 4.01 Offense/Penalty

- A. A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Each day the violation continues shall be a separate offense.
- B. A culpable mental state is not required for the commission of an offense under this Chapter.
- C. Nothing in this Chapter shall limit the remedies available to the City in seeking to enforce the provisions of this Chapter.
- D. All other legal remedies are reserved by the City if necessary to enforce the provisions of this Chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this Chapter. (Adopt Ord 16-020, 4/26/16)

Ordinance No. 16-020

An ordinance creating the “Donation Boxes” Chapter of the Code of the City of Arlington, Texas, 1987; providing regulations for donation boxes and establishing requirements for permits allowing the placement of donation boxes on approved open spaces on private property; providing for a fine of up to \$500 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, the increase in the number of persons or entities desiring to collect clothing and household products for charitable purposes has led to the proliferation of donation boxes in various areas of the City; and

WHEREAS, the inability of landowners to accurately identify the owners of said donation boxes has resulted in decreased accountability on the part of donation box owners; and

WHEREAS, the failure to properly empty and clean donation boxes has resulted in an unsightly and littered appearance near said donation boxes; and

WHEREAS, City Council finds that regulating the placement and use of donation boxes is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, and the protection of landowners and residents of the City of Arlington; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Donation Boxes**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby established and shall read as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Title

This Chapter of the Code of the City of Arlington is hereby designated and shall be known and referred to as the “Donation Boxes” Chapter of the City Code of Ordinances.

Section 1.02 Purpose

The purpose of this Chapter is to protect the public health, safety and welfare of Arlington residents by requiring the registration and permitting of donation boxes on private property within the City limits of the City of Arlington. This Chapter further serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of developed property. The provisions included herein are intended to provide efficient legal remedies for unpermitted or poorly maintained donation boxes that threaten the orderly development of the City. These provisions are cumulative of all City ordinances.

Section 1.03 Applicability

The requirements of this Chapter shall apply to all donation boxes regardless of whether said boxes were placed prior to the effective date of these regulations. No previously placed donation boxes shall be granted any legally non-conforming rights under this Chapter or the “Unified Development Code” Chapter of the Code of the City of Arlington, Texas, as amended.

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

“**Administrator**” means the director of the department designated by the City Manager to enforce and administer this Chapter, and includes the Director’s designees.

“**Donation box**” means any box, container, building, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household materials.

“**Person**” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

ARTICLE III

REGISTRATION

Section 3.01 Donation Box – General Provisions

- A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any donation box within the City of Arlington, without having first secured a permit and decal in compliance with the provisions of this Article.

- B. Any donation box located within the jurisdiction of the City of Arlington that does not have a current, valid permit (or any permitted donation box that has received more than two (2) notices of violation from the City in the past 12 months) shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees.
- C. Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts in the Unified Development Code: Industrial Manufacturing (IM), Light Industrial (LI), and General Commercial (GC). Donation boxes shall not be permitted to be placed on real property located within any other zoning use districts.

Section 3.02 Donation Box Permit and Decal Required

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Arlington, to authorize or allow any donation box to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this Article.

Section 3.03 Permit Requirements

A permit and decal to allow a donation box to be placed and used on designated real property shall be issued by the Administrator after inspection and verification that the following conditions are satisfied:

1. The person receiving a permit to place or maintain a donation box is registered to operate in the State of Texas as a non-profit corporation *or* has proof of a written agreement to solicit on behalf of such a non-profit corporation.
2. The real property owner provides written authorization allowing the donation box on the property.
3. The permit holder agrees to be responsible for collecting the contents of the donation box in order to prevent overflow and littering.
4. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot.
5. No donation box shall exceed 50 square feet in size.
6. Each donation box shall clearly indicate in writing on the side of each box that all donations must fit into and be placed within the donation box.

7. The permit holder placing or maintaining the donation box shall display current contact information including street address and phone number on the donation box. Said information must be readable and clearly visible to the public.
8. Each donation box shall be screened from the nearest public street or right-of-way for which it is adjacent. If a donation box is located on a corner of a lot, then the box shall be screened on a minimum of two sides. Minimum screening shall consist of a six foot (6') solid wood fence. Comparable materials may be substituted for screening upon prior approval of the Administrator. All screening shall be constructed to prevent the storage or placement of donations outside the donation box, with the screening fence itself being no more than two feet (2') from the screened donation box.
9. Each donation box shall be constructed from metal material.
10. Each donation box shall be painted one solid color. No high-intensity or fluorescent colors shall be used for the donation box or associated signage.

Section 3.04 Applications for Permits

- A. Applicants for permits under this Article shall file a written, sworn application with the Administrator. The application shall include the written authorization of the property owner allowing the donation box on the property.
- B. A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address stated on the permit.
- C. An annual permit fee for each donation box shall be required. All permits shall expire on December 31st of each calendar year regardless of the date of issuance; provided, however, that the fee for each permit shall be prorated for each month or portion of a month for which the permit is issued.
- D. Any person denied a permit shall have the right to appeal such action. In such case the procedure shall be the same as in revocation.

Section 3.05 Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable and the authority a permit confers shall be conferred only on the permit holder named therein.

Section 3.06 Maintenance and Upkeep

- A. The permit holder and the property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box

and clean up and removal of any donations left on the property outside of the donation box.

- B. The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance under the procedures contained in the "Nuisance" Chapter of the Code of the City of Arlington, Texas, 1987, as amended.
- C. The visual and structural integrity of the donation box must be maintained continuously.
- D. The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- E. The donation box shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement or fire lane.
- F. At least one (1) stacking or parking space shall be required for use of persons accessing the donation box.
- G. The donation box may not block or occupy any number of parking spaces required by the primary use structure.
- H. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box.
- I. The donation box shall only be used for the solicitation and collection of clothing and household materials. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.
- J. No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district. Said distance shall be measured from lot line to lot line.
- K. The donation box shall be continuously maintained in compliance with all requirements imposed by Section 3.03, Permit Requirements, as amended.

Section 3.07 Revocation of permit

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has received two (2) notices of violation for violations of this Chapter or any other provision of this Code of Ordinances within a 12 month time period or has knowingly made a false material statement in the application or otherwise becomes disqualified for the issuance of a permit under the terms of this Article.

- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.
- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal not later than 15 days after the notice of the appeal is filed.
- D. Stay. Any appeal of revocation pursuant to this section shall stay the revocation until said revocation is finalized.
- E. Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice.
- F. One-Year Waiting Period. In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Section 3.08 Fees

All fees established by this Chapter shall be in an amount set by resolution of the City Council.

ARTICLE IV

ENFORCEMENT AND PENALTIES

Section 4.01 Offense/Penalty

- A. A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Each day the violation continues shall be a separate offense.
- B. A culpable mental state is not required for the commission of an offense under this Chapter.
- C. Nothing in this Chapter shall limit the remedies available to the City in seeking to enforce the provisions of this Chapter.

- D. All other legal remedies are reserved by the City if necessary to enforce the provisions of this Chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this Chapter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

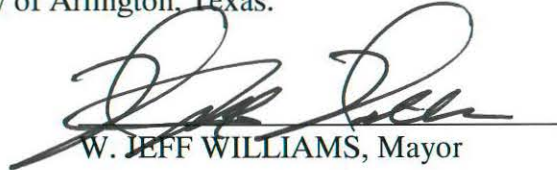
The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be

published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication.

PRESENTED AND GIVEN FIRST READING on the 12th day of April, 2016, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 26th day of April, 2016, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Ordinance No. 18-044

An ordinance amending the “Donation Boxes” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article II, Definitions, and Article III, Registration; revising requirements for permits allowing the placement of donation boxes on approved open spaces on private property; providing for a fine of up to \$500.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

- WHEREAS, the increase in the number of persons or entities desiring to collect clothing and household products for profit or charitable purposes has led to the proliferation of donation boxes in various areas of the City; and
- WHEREAS, the inability of landowners to accurately identify the owners of said donation boxes has resulted in decreased accountability on the part of donation box owners; and
- WHEREAS, the absence of identifying information makes it difficult or impossible for the City, property owners, or local citizens to contact donation box operators about items placed outside of the box, broken glass, or other concerns; and
- WHEREAS, the placement of donation boxes on property without permission from the property owner constitutes a trespass of private property; and
- WHEREAS, the failure to properly empty and to clean in and around donation boxes creates an unsightly and littered appearance near said containers; and
- WHEREAS, the placement of discarded clothes and other household items outside of the donation boxes leads to rummaging of items, which causes scattering and litter and may defeat the donor’s intent; and
- WHEREAS, the documented trash and debris present around unkempt donation boxes invite illegal dumping under the guise of charitable solicitation and recycling; and
- WHEREAS, the presence of broken glass and other sharp objects provide a threat to the general public wishing to access donation boxes and other pedestrians walking on or near the property containing donation boxes and provides a threat to the tires of vehicles using parking lots where donation boxes are placed; and

WHEREAS, wooden donation boxes have been observed with deteriorated conditions, and are more easily toppled by storm conditions, and have been subject to arson; and

WHEREAS, City Council finds that regulating the placement, proximity and use of donation boxes is necessary for the health, safety and welfare of the general public; the promotion of consistent land use development; and the protection of landowners and residents of the City of Arlington; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Donation Boxes**” Chapter of the Code of the City of Arlington, Texas, 1987, as amended, **Article II, Definitions**, is hereby repealed and replaced in its entirety and shall hereafter read as follows:

ARTICLE II

DEFINITIONS

Section 2.01 Definitions

“**Administrator**” means the director of the department designated by the City Manager to enforce and administer this Chapter, including the Director’s designees.

“**City Appeal Officer**” means the authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

“**Donation Box**” means any drop-off box, container, trailer or other receptacle that is intended for use as a collection point for accepting donated textiles, clothing, shoes, books, toys, dishes, household items, or other salvageable items of personal property.

“**Fluorescent**” means a color that appears very bright, vivid, or glowing to the human eye.

“**Front Side**” means the side of a donation box that contains the opening that allows the depositing of donated items.

“**GPS**” means global positioning system.

“**Person**” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

Further, **Article III, Registration**, is hereby repealed and replaced in its entirety and shall hereafter read as follows:

ARTICLE III

REGISTRATION

Section 3.01 Donation Box – General Provisions

- A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, a donation box at any location within the City of Arlington, without a valid permit issued in accordance with this Article.
- B. Any donation box located within the jurisdiction of the City of Arlington that does not have a current, valid permit shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.
- C. Donation boxes shall only be permitted to be placed on real property located within the following zoning use districts in the Unified Development Code: Industrial Manufacturing (IM), Light Industrial (LI), and General Commercial (GC). Donation boxes may also be permitted on real property zoned Planned Development with the above-referenced underlying zoning use districts. Donation boxes shall not be permitted to be placed on real property located within any other zoning use districts.

Section 3.02 Donation Box Permit and Decal Required

It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the City of Arlington, to authorize or allow any donation box to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this Article.

Section 3.03 Permit Requirements

- A. Permit and decal required. A permit and corresponding decal to allow a donation box to be placed and used at a designated location shall be issued by the Administrator within sixty (60) days of receipt of a completed application after determining that all the requirements of this Section are satisfied.

- B. Authorization for use. A written authorization allowing the donation box on the property shall be required from the real property owner, lessee, or property manager.
- C. Requirement to keep clean. A permit holder shall be responsible for collecting the contents of the donation box to prevent overflow and littering. A permit holder shall keep the real property situated within 25 feet of the location of a donation box clean and free of trash, debris, broken glass, coat hangers, clothes, clothing accessories, or excess donations. A permit holder that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the permit holder, the permit holder shall have 48 hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. A permit holder who is issued a citation within the one-year term of a donation box permit is subject to revocation of the associated donation box permit.
- D. Number of Boxes Allowed. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot. In the case of a shopping center or office development, the Administrator can permit a single additional donation box; provided that neither box is within 50-feet of the other, unless both donation boxes are operated by the same person.
- E. Maximum Size of the Box. No donation box shall exceed 120 cubic feet in size.
- F. Construction Material for the Box. Each donation box shall be constructed from metal material to prevent high winds from toppling and/or moving the donation box and to reduce the potential of arson or graffiti.
- G. Color of the Box. Each donation box shall be painted one solid color. Trade dress color schemes or corporate logos will be allowed. No fluorescent colors shall be used for a donation box or its associated signage.
- H. GPS Coordinates. No donation box shall be permitted without a valid set of GPS coordinates identifying the placement location of the donation box.
- I. Placement on Site. No donation box shall be permitted within the row of parking adjacent to street right-of-way unless an existing landscape setback is present in good condition. If there is no existing landscape setback, a donation box shall not be placed less than 40 feet from the adjacent street right-of-way.
- J. Notice to donators. Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than one-half inch in height.

- K. Contact information. The permit holder placing or maintaining the donation box shall display current contact information including street address and phone number on the donation box. Said information must be readable and clearly visible to the public from the front side of the box. The size of lettering for the contact information shall not be less than one-half inch in height.

Section 3.04 Applications for Permits

- A. Applicants for permits under this Article shall file a written, sworn application with the Administrator. The application shall include the written authorization of the property owner, lessee, or property manager allowing the donation box on the property. A site plan depicting the exact proposed location (with GPS coordinates indicated) of the donation box shall be submitted with each application.
- B. A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Article shall be valid only at the address and GPS coordinates stated on the permit.
- C. An annual permit fee for each donation box shall be required. All permits shall expire on the one-year anniversary of the date of issuance.
- D. Any person denied a permit shall have the right to appeal such action in accordance with the provisions of Section 3.09.

Section 3.05 Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable. The authority a permit confers is conferred only on the permit holder named therein.

Section 3.06 Maintenance and Upkeep

- A. The permit holder and the real property owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.
- B. The City shall have the authority to abate any property in violation of this article that is deemed a public nuisance under the procedures contained in the "Nuisance" Chapter of the Code of the City of Arlington, Texas, 1987, as amended. This provision does not exclude or limit the use of any other provision in this Chapter, the Arlington City Code, or the laws of the State of Texas.

- C. The visual and structural integrity of the donation box must be maintained continuously.
- D. The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway or street.
- E. The donation box shall not be located in a required landscape or building setback, drainage easement, floodplain, driveway, utility easement or fire lane.
- F. At least one (1) stacking or parking space must be provided for use of persons accessing the donation box.
- G. The donation box must not be located in, or block public access to, any required off-street parking spaces, access easements, or stacking lanes serving a structure on the property, fire lane, or fire hydrant.
- H. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box on the front side.
- I. The donation box shall only be used for the solicitation and collection of clothing and household items. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.
- J. No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district. Said distance shall be measured from a donation box to a residential lot line.
- K. The donation box shall be continuously maintained in compliance with all requirements imposed by Section 3.03, Permit Requirements, as amended.

Section 3.07 Revocation of permit

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has (1) received a citation for a violation of this Chapter or any other provision of this Code of Ordinances within the preceding 12-month time period or (2) has knowingly made a false material statement in the application or (3) has otherwise become disqualified for the issuance of a permit under the terms of this Article.
- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of Section 3.09 herein.
- D. Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day grace period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.
- E. One-Year Waiting Period. In the event the permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Section 3.08 Fees

All fees established by this Chapter shall be in an amount set by resolution of the City Council.

Section 3.09 Administrative Appeals of Denial or Revocation of Permit

- A. Upon denial or revocation of a permit for a donation box, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.
- B. The appeal shall be conducted within twenty (20) days of the date on which the notice of appeal was filed with the Administrator.
- C. The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.

- D. After such hearing, an applicant that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals.
- E. An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

Section 3.10 Appeals of Administrator Decision

- A. All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Section 3.09 above.
- B. The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.
- C. If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.
- D. The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal:
 - 1. The number of violations, convictions, or liability findings;
 - 2. The number of previous revocations;
 - 3. The number of repeat violations at the same location;
 - 4. The degree to which previous violations endangered the public health, safety or welfare; or
 - 5. Any pending action or investigation by another agency.
- E. After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.
- F. The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).
- G. The determination of the City Appeal Officer shall be final on the date the order is signed.

- H. An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and except as otherwise stated herein, this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

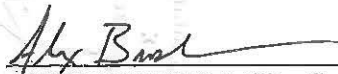
8.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 7th day of August, 2018, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 21st day of August, 2018, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

Good morning here is the ordinance for Phoenix, AZ below and attached is Allen Park and Arlington Donation Box Ordinances and Case law for Donation Box regulations powerpoint

City of Phoenix, AZ:

ec. 21-814. - Donation/Recycling Drop-Off Boxes.

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTIONS](#) [EMAIL SECTION](#) [COMPARE VERSIONS](#)

- A.
Donation/Recycling Drop-Off **Boxes** are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to [Section 21-322](#) and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off **box** on the parcel.
- B.
Donation/Recycling Drop-Off **Boxes** may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this Section.
- C.
Donation/Recycling Drop-Off **Boxes** shall be located on a paved surface.
- D.
Donation/Recycling Drop-Off **Boxes** shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
- E.
Donation/Recycling Drop-Off **Boxes** shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F.
There shall be no more than one (1) Donation/Recycling Drop-Off **box** on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off **Boxes** on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-off **Boxes** on lots or complexes/centers greater than three (3) acres in size. No more than two donation **boxes** shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

Donation **Box Allotment**

Lots or Complexes/Centers Size	
Number of Boxes Allowed	

• No more than two (2) Donation Bins shall be clustered together in any one location.

- G.
Each Donation/Recycling Drop-Off **Box** shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be **collected** for donation, and shall be clearly marked to

identify the City of Peoria Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of two (2) inches high and located on the deposit face of the **box**.

H.

The name and local telephone number of the entity obtaining the TUP shall be affixed to the **box** on an area no larger than one (1) foot by one (1) foot.

I.

Donation/Drop-Off **Boxes** shall have a capacity no greater than six (6) cubic yards.

J.

All donated items must be **collected** and stored in the Donation/Recycling Drop-Off **Box** and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off **Boxes** shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.

K.

It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation **boxes** free of litter and debris, and remove any graffiti within 24 hours of discovery or notification, whichever occurs first.

L.

It is the responsibility of the entity obtaining the TUP to maintain the donation **box** painted or otherwise un-rusted and un-dented and in good condition.

M.

Donation/Recycling Drop-Off **Boxes** not located or maintained in compliance with this Section may be subject to revocation of the Business License and the Temporary Use Permit (TUP).

N.

The City may consider prior permit revocations, prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation Drop-Off **Boxes**.

O.

Any Donation/Recycling Drop-**Box** (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance as defined in [Chapter 17](#) of the Peoria City Code and may be removed pursuant to those provisions.

P.

The property owner shall control the Temporary Use Permit. The permittee or drop **box** operator does not control the Temporary Use Permit unless he/she is also the property owner. As such, the property owner or authorized agent may rescind his/her authorization for the donation/drop-off **box** at any time and the permit shall be revoked. Nothing in this Ordinance prohibits a property owner from removing a donation/drop-off **box** regardless of whether said **box** is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation/drop-off **box** at any time.
(Ord. No. 2015-08, 4-7-15; Ord. No. [2017-33](#), § 177, 6-13-17)

Alejandro Ferrell
CODE ENFORCEMENT DIRECTOR
CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd
Stonecrest, GA 30038

direct: 770.224.0207

cell: 470.445.3065

main: 770.224.0200

aferrell@stonecrestga.gov

www.stonecrestga.gov

From: Alejandro Ferrell

Sent: Wednesday, February 19, 2020 11:25 AM

To: Plez Joyner <PJoyner@stonecrestga.gov>; Megan Reid <MReid@stonecrestga.gov>

Cc: Chris Wheeler <CWheeler@stonecrestga.gov>

Subject: RE: Collection Box ordinances

Good morning all,

Chris and I would like to place this on the work session to discuss with MCC.

Regards,

Alejandro Ferrell

CODE ENFORCEMENT DIRECTOR

CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd
Stonecrest, GA 30038

direct: 770.224.0207

cell: 470.445.3065

main: 770.224.0200

aferrell@stonecrestga.gov

www.stonecrestga.gov

From: Alejandro Ferrell

Sent: Wednesday, November 6, 2019 2:07 PM

To: Julian Jackson <JJackson@stonecrestga.gov>; Plez Joyner <PJoyner@stonecrestga.gov>; Megan Reid <MReid@stonecrestga.gov>

Cc: Chris Wheeler <CWheeler@stonecrestga.gov>

Subject: FW: Collection Box ordinances

Good afternoon all,

Chris and I would like to place on work session a discussion about donation boxes ordinance. Currently we treat them as outside storage and address the property owner but some municipalities regulate the boxes by a permitting process through authorization from the property owner. Chris and I agree this approach could be a solution that allows for the legitimate organizations and property owners who like to help others as well as our area does have a population that could benefit from these legitimate organizations offering this type of service in the area. Lastly additional revenue could be achieved through the permitting process with only allowing no more than 2 bins per multi-tenant parcel. Below are links and ordinances from other jurisdictions.

Regards,

Alejandro Ferrell

CODE ENFORCEMENT DIRECTOR

CERTIFIED PROFESSIONAL DESIGNATION (CPTED)



City of Stonecrest

3120 Stonecrest Blvd

Stonecrest, GA 30038

direct: 770.224.0207

cell: 470.445.3065

main: 770.224.0200

afferrell@stonecrestga.gov

www.stonecrestga.gov

From: Alejandro Ferrell

Sent: Wednesday, October 9, 2019 12:22 PM

To: Chris Wheeler <CWheeler@stonecrestga.gov>; William Kirkland <WKirkland@stonecrestga.gov>; Dakota Richardson <drichardson@stonecrestga.gov>; Matthew Brown <MBrown@stonecrestga.gov>; Jacob Cockrell <JCockrell@stonecrestga.gov>

Subject: Collection Box ordinances

Chris,

Look at these ordinances and give me your thoughts on collection boxes

<https://cityoffallenpark.org/Services-Departments/Clerk/Ordinance-Information/03-2013-Collection-Box-Regulation.aspx>

https://www.arlingtontx.gov/UserFiles/Servers/Server_14481062/File/City%20Hall/Depts/City%20Secretary/City_Code_of_Ordinances/DONBOXChapter.pdf

<https://www.law.du.edu/documents/rmlui/conference/powerpoints/2016/MorrisRecentLandUse.pdf>

City of Phoenix, AZ:

ec. 21-814. - Donation/Recycling Drop-Off Boxes.

[SHARE LINK TO SECTION](#) [PRINT SECTION](#) [DOWNLOAD \(DOCX\) OF SECTIONS](#) [EMAIL SECTION](#) [COMPARE VERSIONS](#)

- A.
Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to [Section 21-322](#) and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off box on the parcel.
- B.
Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this Section.
- C.
Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
- D.
Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
- E.
Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F.
There shall be no more than one (1) Donation/Recycling Drop-Off box on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-off Boxes on lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

Donation Box Allotment

Lots or Complexes/Centers Size

Donation **Box** Allotment

Number of **Boxes** Allowed

• No more than two (2) Donation Bins shall be clustered together in any one location.

G.

Each Donation/Recycling Drop-Off **Box** shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be **collected** for donation, and shall be clearly marked to identify the City of Peoria Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of two (2) inches high and located on the deposit face of the **box**.

H.

The name and local telephone number of the entity obtaining the TUP shall be affixed to the **box** on an area no larger than one (1) foot by one (1) foot.

I.

Donation/Drop-Off **Boxes** shall have a capacity no greater than six (6) cubic yards.

J.

All donated items must be **collected** and stored in the Donation/Recycling Drop-Off **Box** and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off **Boxes** shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.

K.

It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation **boxes** free of litter and debris, and remove any graffiti within 24 hours of discovery or notification, whichever occurs first.

L.

It is the responsibility of the entity obtaining the TUP to maintain the donation **box** painted or otherwise un-rusted and un-dented and in good condition.

M.

Donation/Recycling Drop-Off **Boxes** not located or maintained in compliance with this Section may be subject to revocation of the Business License and the Temporary Use Permit (TUP).

N.

The City may consider prior permit revocations, prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation Drop-Off **Boxes**.

O.

Any Donation/Recycling Drop-**Box** (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance as defined in [Chapter 17](#) of the Peoria City Code and may be removed pursuant to those provisions.

P.

The property owner shall control the Temporary Use Permit. The permittee or drop **box** operator does not control the Temporary Use Permit unless he/she is also the property owner. As such, the property owner or authorized agent may rescind his/her authorization for the donation/drop-off **box** at any time and the permit shall be revoked. Nothing in this Ordinance prohibits a property owner from removing a

donation/drop-off **box** regardless of whether said **box** is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation/drop-off **box** at any time.
(Ord. No. 2015-08, 4-7-15; Ord. No. [2017-33](#), § 177, 6-13-17)

Donation Drop Boxes and Associated Case Law

The Rocky Mountain Land Use Institute
Examining The Past
Exploring the Future

Presented by:

Jason Morris, Withey Morris PLC

Recent Land Use Decisions in the Rocky Mountain West

Have donation bins become a part of your urban landscape?



The Problem

Trespass & Lack of Authorization

- Drop box owners rarely have authorization from the Property Owner
- Boxes appear in parking lots overnight
- No point of contact for maintenance or removal

The Problem

Misrepresentation of Use

There are three types of drop box users

1. Legitimate non-profit organizations
2. For-profit organizations partnering with charities
- 3. Entirely for-profit organizations posing as charities**

Making Headlines

Group Must Pay \$700K Penalty For Allegedly Profiting From 'Charity' Donation Bins

By Mary Beth Quirk October 29, 2015

Clothing bin donations don't always reach needy

USA Today by Meghan Hoyer and Jayne O'Donnell – Dec 30, 2012

The donation bin debacle

Examiner.Com by Corey Ramirez – May 10, 2010

Is your neighborhood donation bin laundering your clothing to for-profit retailers?

Park Howell Blog - November 9th, 2011

Not all donations end up with non-profits

By Corey Ramirez Special to Ahwatukee Foothills News Posted: Monday, May 10, 2010 12:19 pm

Not all of your clothing donation is going to charity

ABC15.com Posted: 11/26/2008

Nonprofit book-collection groups clash with upstart for-profit rival

http://azstarnet.com/news/local/govt-and-politics/nonprofit-book-collection-groups-clash-with-upstart-for-profit-rival/article_f092f4c6-8667-540a-8821-e8a89d8cdd4b.html

Constitutional Issues

Jurisdictions Which Have Banned Donation Drop Boxes

- Corona, CA
 - St. Charles, IL
 - Cicero, IL
 - Palm Beach, FL
 - City of St. Johns, Mi.
- The Sixth Circuit ruled that outright bans on Donation Drop Boxes are a content-based violation of the right to free speech

Case Law

Planet Aid v. City of St. Johns, Mi.

- Dec. 2012- Planet Aid placed two drop boxes on private property **with the consent of the property owners**
- Dec. 2013- City of St. John's enacts an ordinance **entirely prohibiting** charitable donation bins
- Feb. 2014- Planet Aid filed suit against the City claiming a violation of the First Amendment
- Holding
 - Charitable solicitations are protected free speech
 - Banning solicitations violates the First Amendment
 - Ordinance "only peripherally" addressed fraud

State Legislation

SB 1504: Arizona's Proposed Donation Bin Legislation

- If approved during the 2016 legislative session, SB 1504 would be Arizona's first legislation addressing the donation bin problem.
- The legislation is focused on:
 - (1) Requiring notarized written authorization from the property owner, or authorized agent, for each donation bin;
 - (2) Clarifying that all unauthorized bins, and their contents, may be removed by the property owner; and
 - (2) Requiring proper identification for the donation bin operator on each box.
- Unlike the municipal ordinances, the legislation does not regulate blight, parking, landscaping, or right-of-way obstruction issues. General zoning/land use issues are not addressed.

Drafting a Model Ordinance

How to Avoid a Constitutional Challenge

- Goals of the ordinance:
 - Eliminate trespass
 - Eradicate nuisance and blight
 - Prevent fraud
 - Protect property owners and neighbors
- Regulate the use, don't ban the speech
 - Time, place, manner restrictions
 - Require a temporary use permit for each box
 - Require ownership authorization
 - Only permit drop boxes in certain zoning districts
 - Create separation requirements
 - Require maintenance & blight prevention



The Solution

Proper Regulation

- Arizona municipalities have enacted ordinances regulating the use of donation drop boxes in Arizona
 - ☐ Phoenix
 - ☐ Surprise
 - ☐ Peoria
 - ☐ Gilbert
 - ☐ Goodyear
- Municipalities considering similar ordinances
 - ☐ Chandler
 - ☐ Glendale
- No Arizona jurisdictions have proposed outright bans on donation bins.



Ordinance Case Study: Peoria



Objectives:

- Establish reasonable regulations
- Tax Status *not relevant*
- Have a local contact and means to quickly address issues

Primary Areas of Focus:

- Site Placement & Aesthetics
- Accountability
- Regulatory Process
- Enforcement



Case Study: Peoria



Locations Permitted:

- Commercial Zones
- Non-Residential *Uses* within Residential Zoning Districts
 - e.g. Church, School etc.

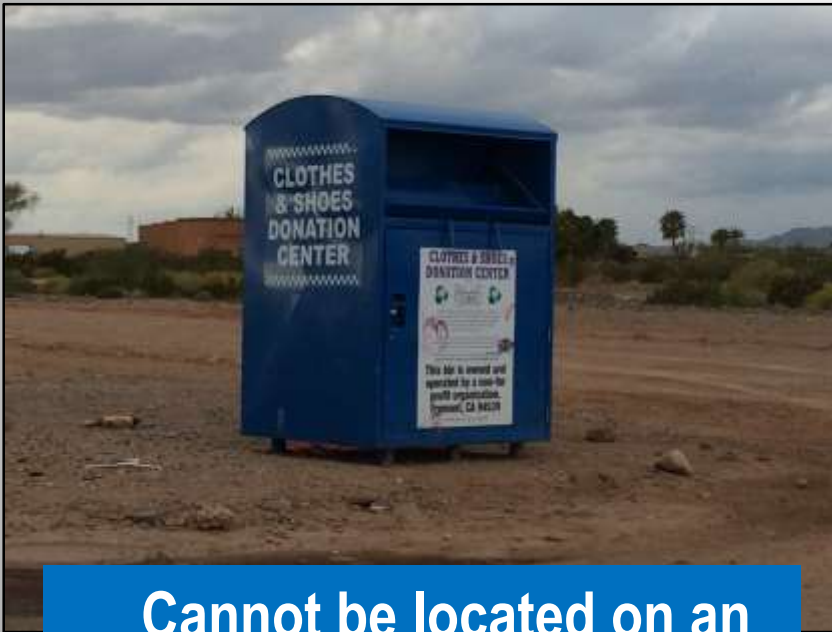
Maximum Number of Bins:

0-1 acres = 1 bin
1-3 acres = 2 bins
3+ acres = 4 bins

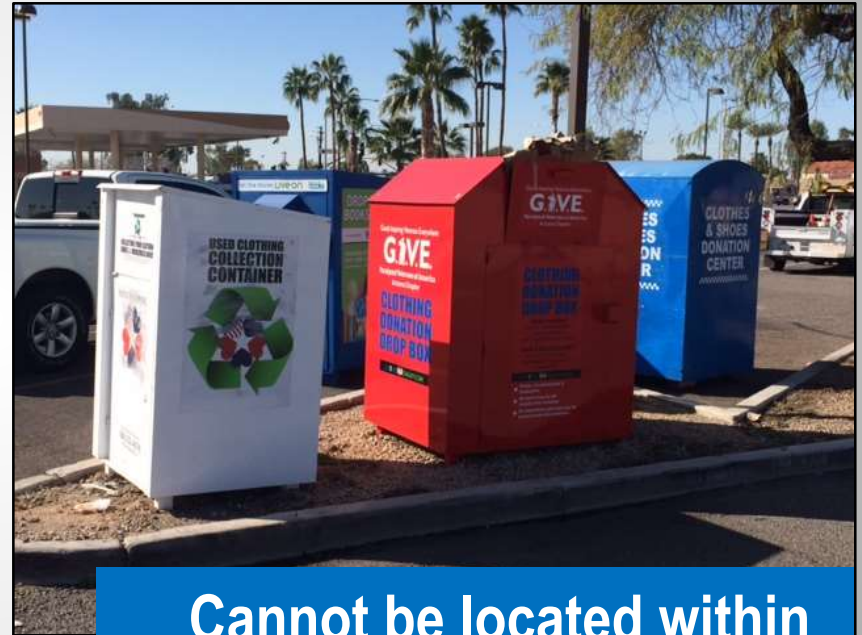


- No more than two (2) clustered together

Case Study: Peoria



Cannot be located on an unpaved surface



Cannot be located within landscaped areas

Case Study: Peoria



Keep Street Frontages Clear

- Cannot displace parking spaces
- Must be located outside of setbacks

Case Study: Peoria



Public Safety/Means of Access

- Cannot obstruct fire lanes, loading zones, drive aisles
- Cannot be within Right-of-Way or obstruct pedestrians

Case Study: Peoria



Bin Identification:

- Temporary Use Permit Number affixed to the bin – no exceptions
- Contents clearly identified
- Responsible party affixed to bin
 - Entity name
 - Local contact information
 - Will verify at TUP review



Case Study: Peoria



Pickup & Maintenance:

- Contents collected at least weekly



Performance Standards:

- If Bin is vandalized or damaged:
 - Repaired within 5 business days
- Graffiti or items left outside of Bin:
 - Removed within 24 hours



Case Study: Peoria



Temporary Use Permit (TUP):

- Each bin requires TUP
- Administrative Review Process
 - Planning Department
 - Nominal fee
 - Maintain GIS layer
- TUP must be renewed annually



Case Study: Peoria



- Work with local bin contact and property owner first
- Bins not maintained in compliance may be subject to *revocation* of TUP
- Bins deemed a 'public nuisance' may be removed per nuisance abatement code



Case Study: Peoria



Goals/Expectations

- Responsible operators will comply
- “Bad Actors” will move elsewhere
- Overall decline of bins in “wrong areas”
- Adjustments to the Ordinance may be necessary



The Solution

Model Ordinance

Suggested Provisions

- Regulate Rather than Ban
- Require a temporary permit
- Charge a per box fee to recover enforcement costs
- Annual renewal required per box
- Require notarized owner authorization
- Limit the size of each drop box
- Limit the number of drop boxes permitted per acre/site
- Require regular pickup of donated items
- Require ID of for-profit or non-profit organization
- Prohibition in setbacks/landscape areas
- Authorize City/Property Owner to Remove



Work Session

Agenda Item 5

Final Plat of Flat Rock Hills Phase 2B



CITY COUNCIL AGENDA ITEM

SUBJECT: Final Plat of Flat Rock Hills Phase 2B

☐ **ORDINANCE** ☐ **POLICY** ☐ **STATUS REPORT**

☐ **DISCUSSION ONLY** ☐ **RESOLUTION** ☒ **OTHER**

Date Submitted: 2-6-20

Work Section: 2-10-20

Council Meeting: 2-10-20

SUBMITTED BY: Christopher Wheeler, Planning and Zoning Director

PURPOSE: The applicant (D.R. Horton) requesting final plat approval for Phase 2 Flat Rock Hill subdivision.

HISTORY: This application was submitted to staff for review early December 2019

OPTIONS: Approve; Deny; or Defer

RECOMMENDED ACTION:

Staff recommended approval of final plat application.

ATTACHMENTS:

#1 Plat

ATTACHMENT #1

PLAT

FINAL PLAT OF FLAT ROCK HILLS

PHASE 2B

LDP AP# 20675 (PHASES 2B & 3)

LOCATION MAP 1" = 20,000'

THE SPECIAL FLOOD HAZARD AREAS (SFHA) SHOWN HEREIN WERE DETERMINED BY THE PROFESSIONAL ENGINEER WHOSE STAMP AND SIGNATURE ARE AFFIXED HEREIN. THE CITY OF STONEISBERG DOES NOT, BY APPROVING THIS PLAT, WARRANT THEIR ACCURACY, AND DOES NOT IMPLY ANY ENDORSEMENT OF THE ACCURACY OF THE INFORMATION HEREON. FROM FLOODING OR FLOOD DAMAGE, FURTHER, THE CITY OF STONEISBERG DOES NOT, BY APPROVING THIS PLAT, ACCEPTING THE PUBLIC NOTICE, WARRANT THE ACCURACY OF THE INFORMATION HEREON. IMPROVING THE CAPACITY OF THE FLOOD AREAS OR WATERCOURSES, MAINTENANCE SHALL, THEIR EXIST, BE THE RESPONSIBILITY OF THE OWNER(S) OF THE LAND UPON WHICH THE FLOOD AREAS ARE SHOWN. THE CITY OF STONEISBERG, IN THE FLOOD HAZARD AREA IS REQUIRED TO SUBMIT A SITE PLAN TO THE CITY OF STONEISBERG FOR REVIEW AND APPROVAL. ANY IMPROVEMENTS TO THE LOT OR PARCEL, INCLUDING BUT NOT LIMITED TO, THE CITY OF STONEISBERG, IN THE FLOOD HAZARD AREA IS REQUIRED TO SUBMIT A SITE PLAN TO THE CITY OF STONEISBERG FOR REVIEW AND APPROVAL. ANY IMPROVEMENTS TO THE LOT OR PARCEL, INCLUDING BUT NOT LIMITED TO, THE CITY OF STONEISBERG IS REQUIRED FOR THE CITY OF STONEISBERG.

[illegible]

NOTE: STREAM BUFFERS ARE TO REMAIN IN A NATURAL AND UNDISTURBED CONDITION.

NOTE: STRUCTURES, OTHER THAN APPROVED STORM STRUCTURES, ARE NOT ALLOWED IN DRAINAGE EASEMENTS.

DEVELOPMENT SERVICES PERMITTING DISCLAIMER:

The approval of these plans and the issuance of this Land Disturbance Permit does not in any way suggest that all other requirements for the legal or apricate operations for this activity, which may require additional permitting, have been met. The onus is on the owner/developer/builder to discover what additional permitting or approvals may be necessary to operate from this point in an apricate and legal manner. Plan approval or permit issuance does not absolve the applicant from complying with all applicable laws, policies, standards or other permits which may be required for this project.

INDEX		
TITLE		SHEET NO
COVER SHEET		1
FINAL PLAT PHASE 2B		2
FINAL PLAT PHASE 2B		3
CUL DE SAC DETAILS		4
CHARTS		5

[illegible]

A PORTION OF THIS ERTY LIES WITHIN A DESIGNATED
FLOOD PRONE AREA AS PER F.I.R.M. COMMUNITY PANEL
13089C0166 J DeKalb County, GEORGIA EFFECTIVE DATED
MAY 16, 2012.

PLAT APPROVAL _____

THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT FOR THE CITY OF STONECREST, GA. AND HAS BEEN APPROVED AS REQUIRED BY STATE LAW AND CITY CODES AS MEETING ALL CONDITIONS PRECEDENT TO RECORDING IN THE SUPERIOR COURT OF THIS COUNTY.

MAYOR, CITY OF STONEBORO

DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

0.135

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

I CERTIFY THAT THE DEVELOPER HAS COMPLIED WITH THE ROTABLE WATER

REQUIREMENTS AND THE SANITARY SEWER REQ

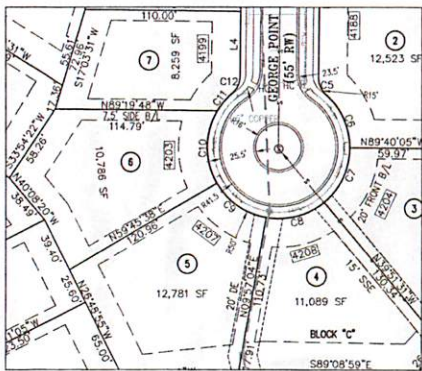
DIRECTOR _____

DEPARTMENT OF WATERSHED MANAGEMENT

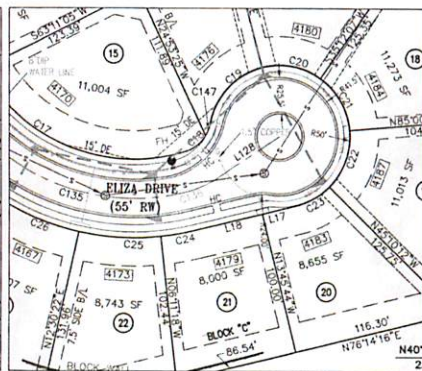
DRAWING:	Sheet
14021 PH 2B FINAL.DWG	1
DATE:	OF
DECEMBER 13, 2019	5

"DeKalb County Development File # 20675"

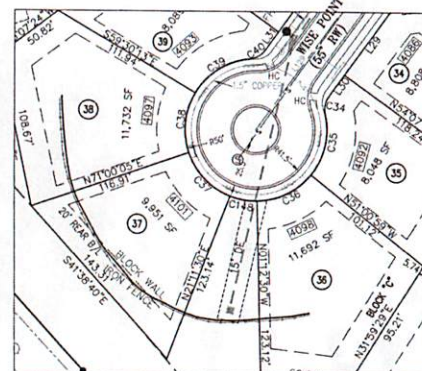
FINAL PLAT AP#3037311, LDP AP# 20675



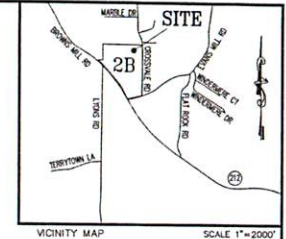
CUL-DE-SAC
DETAIL "A"



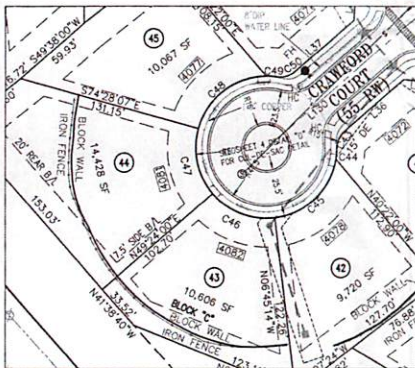
CUL-DE-SAC
DETAIL "B"



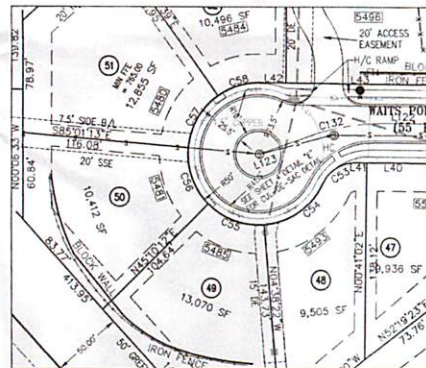
CUL-DE-SAC
DETAIL "C"



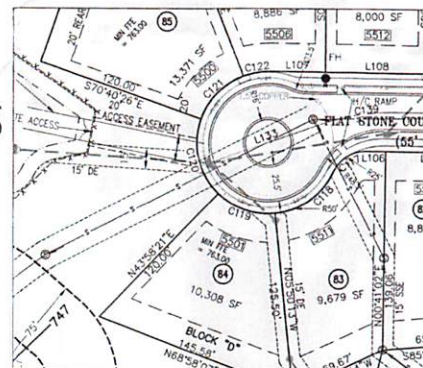
SCALE 1"=2000'



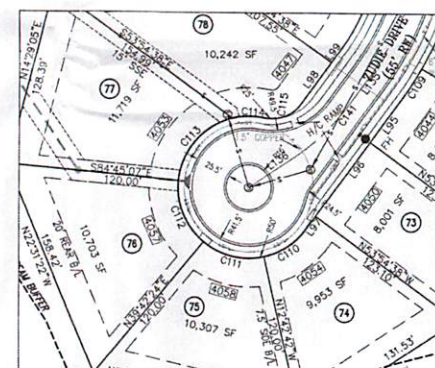
CUL-DE-SAC
DETAIL "D"



CUL-DE-SAC
DETAIL "E"



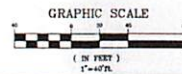
CUL-DE-SAC
DETAIL "F"



CUL-DE-SAC
DETAIL "G"

LEGEND

1	1" = 1" WATER UTILITY
2	2" = 2" WATER UTILITY
3	3" = 3" WATER UTILITY
4	4" = 4" WATER UTILITY
5	5" = 5" WATER UTILITY
6	6" = 6" WATER UTILITY
7	7" = 7" WATER UTILITY
8	8" = 8" WATER UTILITY
9	9" = 9" WATER UTILITY
10	10" = 10" WATER UTILITY
11	11" = 11" WATER UTILITY
12	12" = 12" WATER UTILITY
13	13" = 13" WATER UTILITY
14	14" = 14" WATER UTILITY
15	15" = 15" WATER UTILITY
16	16" = 16" WATER UTILITY
17	17" = 17" WATER UTILITY
18	18" = 18" WATER UTILITY
19	19" = 19" WATER UTILITY
20	20" = 20" WATER UTILITY
21	21" = 21" WATER UTILITY
22	22" = 22" WATER UTILITY
23	23" = 23" WATER UTILITY
24	24" = 24" WATER UTILITY
25	25" = 25" WATER UTILITY
26	26" = 26" WATER UTILITY
27	27" = 27" WATER UTILITY
28	28" = 28" WATER UTILITY
29	29" = 29" WATER UTILITY
30	30" = 30" WATER UTILITY
31	31" = 31" WATER UTILITY
32	32" = 32" WATER UTILITY
33	33" = 33" WATER UTILITY
34	34" = 34" WATER UTILITY
35	35" = 35" WATER UTILITY
36	36" = 36" WATER UTILITY
37	37" = 37" WATER UTILITY
38	38" = 38" WATER UTILITY
39	39" = 39" WATER UTILITY
40	40" = 40" WATER UTILITY
41	41" = 41" WATER UTILITY
42	42" = 42" WATER UTILITY
43	43" = 43" WATER UTILITY
44	44" = 44" WATER UTILITY
45	45" = 45" WATER UTILITY
46	46" = 46" WATER UTILITY
47	47" = 47" WATER UTILITY
48	48" = 48" WATER UTILITY
49	49" = 49" WATER UTILITY
50	50" = 50" WATER UTILITY
51	51" = 51" WATER UTILITY
52	52" = 52" WATER UTILITY
53	53" = 53" WATER UTILITY
54	54" = 54" WATER UTILITY
55	55" = 55" WATER UTILITY
56	56" = 56" WATER UTILITY
57	57" = 57" WATER UTILITY
58	58" = 58" WATER UTILITY
59	59" = 59" WATER UTILITY
60	60" = 60" WATER UTILITY
61	61" = 61" WATER UTILITY
62	62" = 62" WATER UTILITY
63	63" = 63" WATER UTILITY
64	64" = 64" WATER UTILITY
65	65" = 65" WATER UTILITY
66	66" = 66" WATER UTILITY
67	67" = 67" WATER UTILITY
68	68" = 68" WATER UTILITY
69	69" = 69" WATER UTILITY
70	70" = 70" WATER UTILITY
71	71" = 71" WATER UTILITY
72	72" = 72" WATER UTILITY
73	73" = 73" WATER UTILITY
74	74" = 74" WATER UTILITY
75	75" = 75" WATER UTILITY
76	76" = 76" WATER UTILITY
77	77" = 77" WATER UTILITY
78	78" = 78" WATER UTILITY
79	79" = 79" WATER UTILITY
80	80" = 80" WATER UTILITY
81	81" = 81" WATER UTILITY
82	82" = 82" WATER UTILITY
83	83" = 83" WATER UTILITY
84	84" = 84" WATER UTILITY
85	85" = 85" WATER UTILITY
86	86" = 86" WATER UTILITY
87	87" = 87" WATER UTILITY
88	88" = 88" WATER UTILITY
89	89" = 89" WATER UTILITY
90	90" = 90" WATER UTILITY
91	91" = 91" WATER UTILITY
92	92" = 92" WATER UTILITY
93	93" = 93" WATER UTILITY
94	94" = 94" WATER UTILITY
95	95" = 95" WATER UTILITY
96	96" = 96" WATER UTILITY
97	97" = 97" WATER UTILITY
98	98" = 98" WATER UTILITY
99	99" = 99" WATER UTILITY
100	100" = 100" WATER UTILITY



DATE: DECEMBER 13, 2019	BY: [Signature]	DATE: 1/19/20
SCALE: NTS	REVISION/DATE	
DRAWN: SP	COUNTY COMMENTS	
APPROVED: TAP		
DRAWING: 14021 PH 2B FINAL.DWG		
ACR Engineering, inc. ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING 600 PINNACLE COURT SUITE 605 NORCROSS, GA 30071 TEL: (678) 291-0000 FAX: (678) 291-6887		
Sheet 4	OF 5	

FINAL PLAT
FOR
PHASE 2B
FLAT ROCK HILLS
 LAND LOT 47 AND 50 - 18TH DISTRICT
 CITY OF STONE MOUNTAIN
 DEKALB COUNTY, GEORGIA

ENTRANCE CURVE DATA					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING
C127	120.61	150.00	53.37	100.57	S62°20'46"E
C128	126.61	150.00	63.78	117.19	S65°07'41"E
C129	82.00	150.00	40.08	68.68	S73°00'00"E
C130	126.61	150.00	63.78	117.19	S65°07'41"E
C131	128.15	150.00	65.28	124.29	S66°19'12"E
C132	52.66	150.00	28.60	52.38	S84°37'58"E
C133	37.66	150.00	18.95	37.50	S92°57'31"E
C134	126.61	150.00	63.78	117.19	S65°07'41"E
C135	20.45	150.00	11.93	20.25	S95°58'27"E
C136	25.32	21.72	12.79	25.18	N69°11'47"E
C137	37.66	150.00	18.91	37.72	S78°24'40"E
C138	52.66	150.00	28.62	52.42	S84°37'58"E
C139	52.66	150.00	28.60	52.38	S84°37'58"E
C140	125.58	250.00	63.84	121.63	S55°23'23"E
C141	52.66	150.00	28.60	52.38	N45°28'40"E

LOT SUMMARY PAGE 26		
LOT	BOOK	LOT AREA(S) (S.F.)
1	2	23,500
2	3	23,500
3	4	13,889
4	5	13,889
5	6	7,978
6	7	7,978
7	8	5,137
8	9	5,137
9	10	8,885
10	11	8,885
11	12	8,887
12	13	8,887
13	14	17,774
14	15	17,774
15	16	8,887
16	17	8,887
17	18	17,774
18	19	17,774
19	20	8,885
20	21	8,885
21	22	17,774
22	23	17,774
23	24	8,887
24	25	8,887
25	26	17,774
26	27	17,774
27	28	8,885
28	29	8,885
29	30	17,774
30	31	17,774
31	32	8,885
32	33	8,885
33	34	17,774
34	35	17,774
35	36	8,885
36	37	8,885
37	38	17,774
38	39	17,774
39	40	8,885
40	41	8,885
41	42	17,774
42	43	17,774
43	44	8,885
44	45	8,885
45	46	17,774
46	47	17,774
47	48	8,885
48	49	8,885
49	50	17,774
50	51	17,774
51	52	8,885
52	53	8,885
53	54	17,774
54	55	17,774
55	56	8,885
56	57	8,885
57	58	17,774
58	59	17,774
59	60	8,885
60	61	8,885
61	62	17,774
62	63	17,774
63	64	8,885
64	65	8,885
65	66	17,774
66	67	17,774
67	68	8,885
68	69	8,885
69	70	17,774
70	71	17,774
71	72	8,885
72	73	8,885
73	74	17,774
74	75	17,774
75	76	8,885
76	77	8,885
77	78	17,774
78	79	17,774
79	80	8,885
80	81	8,885
81	82	17,774
82	83	17,774
83	84	8,885
84	85	8,885
85	86	17,774
86	87	17,774
87	88	8,885
88	89	8,885
89	90	17,774
90	91	17,774
91	92	8,885
92	93	8,885
93	94	17,774
94	95	17,774
95	96	8,885
96	97	8,885
97	98	17,774
98	99	17,774
99	100	8,885
100	101	8,885
101	102	17,774
102	103	17,774
103	104	8,885
104	105	8,885
105	106	17,774
106	107	17,774
107	108	8,885
108	109	8,885
109	110	17,774
110	111	17,774
111	112	8,885
112	113	8,885
113	114	17,774
114	115	17,774
115	116	8,885
116	117	8,885
117	118	17,774
118	119	17,774
119	120	8,885
120	121	8,885
121	122	17,774
122	123	17,774
123	124	8,885
124	125	8,885
125	126	17,774
126	127	17,774
127	128	8,885
128	129	8,885
129	130	17,774
130	131	17,774
131	132	8,885
132	133	8,885
133	134	17,774
134	135	17,774
135	136	

LOT ADDRESS	LOT	SIDEW	WIDTH	UNIT	2D
306 WEST POINT	1	C	87.18		83.71
308 WEST POINT	2	C	286.14		12.97
320 GEORGE POINT	3	C	43.47		66.93
322 GEORGE POINT	4	C	43.47		66.93
420 GEORGE POINT	5	C	74.47		66.93
422 GEORGE POINT	6	C	74.47		66.93
410 GEORGE POINT	7	C	63.43		75.77
275 STATE POINT	8	C	176.21		75.00
277 STATE POINT	9	C	145.65		75.00
279 STATE POINT	10	C	78.00		75.00
281 STATE POINT	11	C	169.87		75.00
418 ELOA DRIVE	12	C	66.00		66.00
418 ELOA DRIVE	13	C	66.00		66.00
418 ELOA DRIVE	14	C	66.00		66.00
418 ELOA DRIVE	15	C	66.01		66.00
418 ELOA DRIVE	16	C	66.01		66.26
418 ELOA DRIVE	17	C	66.01		66.26
418 ELOA DRIVE	18	C	63.47		66.03
418 ELOA DRIVE	19	C	63.47		66.03
418 ELOA DRIVE	20	C	63.47		66.03
418 ELOA DRIVE	21	C	63.47		66.03
418 ELOA DRIVE	22	C	63.47		66.03
418 ELOA DRIVE	23	C	63.47		66.03
418 ELOA DRIVE	24	C	63.47		66.03
418 ELOA DRIVE	25	C	63.47		66.03
418 ELOA DRIVE	26	C	63.47		66.03
418 ELOA DRIVE	27	C	63.47		66.03
418 ELOA DRIVE	28	C	63.47		66.03
418 ELOA DRIVE	29	C	63.47		66.03
418 ELOA DRIVE	30	C	63.47		66.03
418 ELOA DRIVE	31	C	63.47		66.03
418 ELOA DRIVE	32	C	63.47		66.03
418 ELOA DRIVE	33	C	63.47		66.03
418 ELOA DRIVE	34	C	63.47		66.03
418 ELOA DRIVE	35	C	63.47		66.03
418 ELOA DRIVE	36	C	63.47		66.03
418 ELOA DRIVE	37	C	63.47		66.03
418 ELOA DRIVE	38	C	63.47		66.03
418 ELOA DRIVE	39	C	63.47		66.03
418 ELOA DRIVE	40	C	63.47		66.03
418 ELOA DRIVE	41	C	63.47		66.03
418 ELOA DRIVE	42	C	63.47		66.03
418 ELOA DRIVE	43	C	63.47		66.03
418 ELOA DRIVE	44	C	63.47		66.03
418 ELOA DRIVE	45	C	63.47		66.03
418 ELOA DRIVE	46	C	63.47		66.03
418 ELOA DRIVE	47	C	63.47		66.03
418 ELOA DRIVE	48	C	63.47		66.03
418 ELOA DRIVE	49	C	63.47		66.03
418 ELOA DRIVE	50	C	63.47		66.03
418 ELOA DRIVE	51	C	63.47		66.03
418 ELOA DRIVE	52	C	63.47		66.03
418 ELOA DRIVE	53	C	63.47		66.03
418 ELOA DRIVE	54	C	63.47		66.03
418 ELOA DRIVE	55	C	63.47		66.03
418 ELOA DRIVE	56	C	63.47		66.03
418 ELOA DRIVE	57	C	63.47		66.03
418 ELOA DRIVE	58	C	63.47		66.03
418 ELOA DRIVE	59	C	63.47		66.03
418 ELOA DRIVE	60	C	63.47		66.03
418 ELOA DRIVE	61	C	63.47		66.03
418 ELOA DRIVE	62	C	63.47		66.03
418 ELOA DRIVE	63	C	63.47		66.03
418 ELOA DRIVE	64	C	63.47		66.03
418 ELOA DRIVE	65	C	63.47		66.03
418 ELOA DRIVE	66	C	63.47		66.03
418 ELOA DRIVE	67	C	63.47		66.03
418 ELOA DRIVE	68	C	63.47		66.03
418 ELOA DRIVE	69	C	63.47		66.03
418 ELOA DRIVE	70	C	63.47		66.03
418 ELOA DRIVE	71	C	63.47		66.03
418 ELOA DRIVE	72	C	63.47		66.03
418 ELOA DRIVE	73	C	63.47		66.03
418 ELOA DRIVE	74	C	63.47		66.03
418 ELOA DRIVE	75	C	63.47		66.03
418 ELOA DRIVE	76	C	63.47		66.03
418 ELOA DRIVE	77	C	63.47		66.03
418 ELOA DRIVE	78	C	63.47		66.03
418 ELOA DRIVE	79	C	63.47		66.03
418 ELOA DRIVE	80	C	63.47		66.03
418 ELOA DRIVE	81	C	63.47		66.03
418 ELOA DRIVE	82	C	63.47		66.03
418 ELOA DRIVE	83	C	63.47		66.03
418 ELOA DRIVE	84	C	63.47		66.03
418 ELOA DRIVE	85	C	63.47		66.03
418 ELOA DRIVE	86	C	63.47		66.03
418 ELOA DRIVE	87	C	63.47		66.03
418 ELOA DRIVE	88	C	63.47		66.03
418 ELOA DRIVE	89	C	63.47		66.03
418 ELOA DRIVE	90	C	63.47		66.03
418 ELOA DRIVE	91	C	63.47		66.03
418 ELOA DRIVE	92	C	63.47		66.03
418 ELOA DRIVE	93	C	63.47		66.03
418 ELOA DRIVE	94	C	63.47		66.03
418 ELOA DRIVE	95	C	63.47		66.03
418 ELOA DRIVE	96	C	63.47		66.03
418 ELOA DRIVE	97	C	63.47		66.03
418 ELOA DRIVE	98	C	63.47		66.03
418 ELOA DRIVE	99	C	63.47		66.03
418 ELOA DRIVE	100	C	63.47		66.03
418 ELOA DRIVE	101	C	63.47		66.03
418 ELOA DRIVE	102	C	63.47		66.03
418 ELOA DRIVE	103	C	63.47		66.03
418 ELOA DRIVE	104	C	63.47		66.03
418 ELOA DRIVE	105	C	63.47		66.03
418 ELOA DRIVE	106	C	63.47		66.03
418 ELOA DRIVE	107	C	63.47		66.03
418 ELOA DRIVE	108	C	63.47		66.03
418 ELOA DRIVE	109	C	63.47		66.03
418 ELOA DRIVE	110	C	63.47		66.03
418 ELOA DRIVE	111	C	63.47		66.03
418 ELOA DRIVE	112	C	63.47		66.03
418 ELOA DRIVE	113	C	63.47		66.03
418 ELOA DRIVE	114	C	63.47		66.03
418 ELOA DRIVE	115	C	63.47		66.03
418 ELOA DRIVE	116	C	63.47		66.03
418 ELOA DRIVE	117	C	63.47		66.03
418 ELOA DRIVE	118	C	63.47		66.03
418 ELOA DRIVE	119	C	63.47		66.03
418 ELOA DRIVE	120	C	63.47		66.03
418 ELOA DRIVE	121	C	63.47		66.03
418 ELOA DRIVE	122	C	63.47		66.03
418 ELOA DRIVE	123	C	63.47		66.03
418 ELOA DRIVE	124	C	63.47		66.03
418 ELOA DRIVE	125	C	63.47		66.03
418 ELOA DRIVE	126	C	63.47		66.03
418 ELOA DRIVE	127	C	63.47		66.03
418 ELOA DRIVE	128	C	63.47		66.03
418 ELOA DRIVE	129	C	63.47		66.03
418 ELOA DRIVE	130	C	63.47		66.03
418 ELOA DRIVE	131	C	63.47		66.03
418 ELOA DRIVE	132	C	63.47		66.03
418 ELOA DRIVE	133	C	63.47		66.03
418 ELOA DRIVE	134	C	63.47		66.03
418 ELOA DRIVE	135	C	63.47		66.03
418 ELOA DRIVE	136	C	63.47		66.03
418 ELOA DRIVE	137	C	63.47		66.03
418 ELOA DRIVE	138	C	63.47		66.03
418 ELOA DRIVE	139	C	63.47		66.03
418 ELOA DRIVE	140	C	63.47		66.03
418 ELOA DRIVE	141	C	63.47		66.03
418 ELOA DRIVE	142	C	63.47		66.03
418 ELOA DRIVE	143	C	63.47		66.03
418 ELOA DRIVE	144	C	63.47		66.03
418 ELOA DRIVE	145	C	63.47		66.03
418 ELOA DRIVE	146	C	63.47		66.03
418 ELOA DRIVE	147	C	63.47		66.03
418 ELOA DRIVE	148	C	63.47		66.03
418 ELOA DRIVE	149	C	63.47		66.03
418 ELOA DRIVE	150	C	63.47		66.03
418 ELOA DRIVE	151	C	63.47		66.03
418 ELOA DRIVE	152	C	63.47		66.03
418 ELOA DRIVE	153	C	63.47		66.03
418 ELOA DRIVE	154	C	63.47		66.03
418 ELOA DRIVE	155	C	63.47		66.03
418 ELOA DRIVE	156	C	63.47		66.03
418 ELOA DRIVE	157	C	63.47		66.03
418 ELOA DRIVE	158	C	63.47		66.03
418 ELOA DRIVE	159	C	63.47		66.03
418 ELOA DRIVE	160	C	63.47		66.03
418 ELOA DRIVE	161	C	63.47		66.03
418 ELOA DRIVE	162	C	63.47		66.03
418 ELOA DRIVE	163	C	63.47		66.03
418 ELOA DRIVE	164	C	63.47		66.03
418 ELOA DRIVE	165	C	63.47		66.03
418 ELOA DRIVE	166	C	63.47		66.03
418 ELOA DRIVE	167	C	63.47		66.03
418 ELOA DRIVE	168	C	63.47		66.03
418 ELOA DRIVE	169	C	63.47		66.03
418 ELOA DRIVE	170	C	63.47		66.03
418 ELOA DRIVE	171	C	63.47		66.03
418 ELOA DRIVE	172	C	63.47		66.03
418 ELOA DRIVE	173	C	63.47		66.03
418 ELOA DRIVE	174	C	63.47		66.03
418 ELOA DRIVE	175	C	63.47		66.03
418 ELOA DRIVE	176	C	63.47		66.03
418 ELOA DRIVE	177	C	63.47		66.03
418 ELOA DRIVE	178	C	63.47		66.03
418 ELOA DRIVE	179	C	63.47		66.03
418 ELOA DRIVE	180	C	63.47		66.03
418 ELOA DRIVE	181	C	63.47		66.03
418 ELOA DRIVE	182	C	63.47		66.03
418 ELOA DRIVE	183	C	63.47		66.03
418 ELOA DRIVE	184	C	63.47		66.03
418 ELOA DRIVE	185	C	63.47		66.03
418 ELOA DRIVE	186	C	63.47		66.03
418 ELOA DRIVE	187	C	63.47		66.03
418 ELOA DRIVE	188	C	63.47		66.03
418 ELOA DRIVE	189	C	63.47		66.03
418 ELOA DRIVE	190	C	63.47		66.03
418 ELOA DRIVE	191	C	63.47		66.03
418 ELOA DRIVE	192	C	63.47		66.03
418 ELOA DRIVE	193	C	63.47		66.03
418 ELOA DRIVE	194	C	63.47		66.03
418 ELOA DRIVE	195	C	63.47		66.03
418 ELOA DRIVE	196	C	63.47		66.03
418 ELOA DRIVE	197	C	63.47		66.03
418 ELOA DRIVE	198	C	63.47		66.03
418 ELOA DRIVE	199	C	63.47		66.03
418 ELOA DRIVE	200	C	63.47		66.03
418 ELOA DRIVE	201	C	63.47		66.03
418 ELOA DRIVE	202	C	63.47		66.03
418 ELOA DRIVE	203	C	63.47		66.03
418 ELOA DRIVE	204	C	63.47		66.03
418 ELOA DRIVE	205	C	63.47		66.03
418 ELOA DRIVE	206	C	63.47		66.03
418 ELOA DRIVE	207	C	63.47		66.03
418 ELOA DRIVE	208	C	63.47		66.03
418 ELOA DRIVE	209	C	63.47		66.03
418 ELOA DRIVE	210	C	63.47		66.03
418 ELOA DRIVE	211	C	63.47		66.03
418 ELOA DRIVE	212	C	63.47		66.03
418 ELOA DRIVE	213	C	63.47		66.03
418 ELOA DRIVE	214	C	63.47		66.03
418 ELOA DRIVE	215	C	63.47		66.03
418 ELOA DRIVE	216	C	63.47		66.03
418 ELOA DRIVE	217	C	63.47		66.03
418 ELOA DRIVE	218	C	63.47		66.03
418 ELOA DRIVE	219	C	63.47		66.03
418 ELOA DRIVE	220	C	63.47		66.03
418 ELOA DRIVE	221	C	63.47		66.03
418 ELOA DRIVE	222	C	63.47		66.03
418 ELOA DRIVE	223	C	63.47		66.03
418 ELOA DRIVE	224	C	63.47		66.03
418 ELOA DRIVE	225	C	63.47		66.03
418 ELOA DRIVE	226	C	63.47		66.03
418 ELOA DRIVE	227	C	63.47		66.03
418 ELOA DRIVE	228	C	63.47		66.03
418 ELOA DRIVE	229	C	63.47		66.03
418 ELOA DRIVE	230	C	63.47		66.03
418 ELOA DRIVE	231	C	63.47		66.03
418 ELOA DRIVE	232	C	63.47		66.03
418 ELOA DRIVE	233	C	63.47		66.03
418 ELOA DRIVE	234	C	63.47		66.03
418 ELOA DRIVE	235	C	63.47		66.03

LINE TABLE		
LINE	LENGTH	BEARING
1.00	10.00	N 00° 00' 00" E
1.01	20.00	N 00° 00' 00" E
1.02	30.00	N 00° 00' 00" E
1.03	40.00	N 00° 00' 00" E
1.04	50.00	N 00° 00' 00" E
1.05	60.00	N 00° 00' 00" E
1.06	70.00	N 00° 00' 00" E
1.07	80.00	N 00° 00' 00" E
1.08	90.00	N 00° 00' 00" E
1.09	100.00	N 00° 00' 00" E
1.10	110.00	N 00° 00' 00" E
1.11	120.00	N 00° 00' 00" E
1.12	130.00	N 00° 00' 00" E
1.13	140.00	N 00° 00' 00" E
1.14	150.00	N 00° 00' 00" E
1.15	160.00	N 00° 00' 00" E
1.16	170.00	N 00° 00' 00" E
1.17	180.00	N 00° 00' 00" E
1.18	190.00	N 00° 00' 00" E
1.19	200.00	N 00° 00' 00" E
1.20	210.00	N 00° 00' 00" E
1.21	220.00	N 00° 00' 00" E
1.22	230.00	N 00° 00' 00" E
1.23	240.00	N 00° 00' 00" E
1.24	250.00	N 00° 00' 00" E
1.25	260.00	N 00° 00' 00" E
1.26	270.00	N 00° 00' 00" E
1.27	280.00	N 00° 00' 00" E
1.28	290.00	N 00° 00' 00" E
1.29	300.00	N 00° 00' 00" E
1.30	310.00	N 00° 00' 00" E
1.31	320.00	N 00° 00' 00" E
1.32	330.00	N 00° 00' 00" E
1.33	340.00	N 00° 00' 00" E
1.34	350.00	N 00° 00' 00" E
1.35	360.00	N 00° 00' 00" E
1.36	370.00	N 00° 00' 00" E
1.37	380.00	N 00° 00' 00" E
1.38	390.00	N 00° 00' 00" E
1.39	400.00	N 00° 00' 00" E
1.40	410.00	N 00° 00' 00" E
1.41	420.00	N 00° 00' 00" E
1.42	430.00	N 00° 00' 00" E
1.43	440.00	N 00° 00' 00" E
1.44	450.00	N 00° 00' 00" E
1.45	460.00	N 00° 00' 00" E
1.46	470.00	N 00° 00' 00" E
1.47	480.00	N 00° 00' 00" E
1.48	490.00	N 00° 00' 00" E
1.49	500.00	N 00° 00' 00" E
1.50	510.00	N 00° 00' 00" E
1.51	520.00	N 00° 00' 00" E
1.52	530.00	N 00° 00' 00" E
1.53	540.00	N 00° 00' 00" E
1.54	550.00	N 00° 00' 00" E
1.55	560.00	N 00° 00' 00" E
1.56	570.00	N 00° 00' 00" E
1.57	580.00	N 00° 00' 00" E
1.58	590.00	N 00° 00' 00" E
1.59	600.00	N 00° 00' 00" E
1.60	610.00	N 00° 00' 00" E
1.61	620.00	N 00° 00' 00" E
1.62	630.00	N 00° 00' 00" E
1.63	640.00	N 00° 00' 00" E
1.64	650.00	N 00° 00' 00" E
1.65	660.00	N 00° 00' 00" E
1.66	670.00	N 00° 00' 00" E
1.67	680.00	N 00° 00' 00" E
1.68	690.00	N 00° 00' 00" E
1.69	700.00	N 00° 00' 00" E
1.70	710.00	N 00° 00' 00" E
1.71	720.00	N 00° 00' 00" E
1.72	730.00	N 00° 00' 00" E
1.73	740.00	N 00° 00' 00" E
1.74	750.00	N 00° 00' 00" E
1.75	760.00	N 00° 00' 00" E
1.76	770.00	N 00° 00' 00" E
1.77	780.00	N 00° 00' 00" E
1.78	790.00	N 00° 00' 00" E
1.79	800.00	N 00° 00' 00" E
1.80	810.00	N 00° 00' 00" E
1.81	820.00	N 00° 00' 00" E
1.82	830.00	N 00° 00' 00" E
1.83	840.00	N 00° 00' 00" E
1.84	850.00	N 00° 00' 00" E
1.85	860.00	N 00° 00' 00" E
1.86	870.00	N 00° 00' 00" E
1.87	880.00	N 00° 00' 00" E
1.88	890.00	N 00° 00' 00" E
1.89	900.00	N 00° 00' 00" E
1.90	910.00	N 00° 00' 00" E
1.91	920.00	N 00° 00' 00" E
1.92	930.00	N 00° 00' 00" E
1.93	940.00	N 00° 00' 00" E
1.94	950.00	N 00° 00' 00" E
1.95	960.00	N 00° 00' 00" E
1.96	970.00	N 00° 00' 00" E
1.97	980.00	N 00° 00' 00" E
1.98	990.00	N 00° 00' 00" E
1.99	1000.00	N 00° 00' 00" E

CURVE	LENGTH	RADIUS	INCHES	ONSD	BEARING
C1	73.87	17.50	36.36	72.33	184°24'37.50"
C2	73.87	17.50	36.36	72.33	184°24'37.50"
C3	73.87	17.50	36.36	72.33	184°24'37.50"
C4	73.87	17.50	36.36	72.33	184°24'37.50"
C5	43.61	50.00	23.30	43.33	184°24'37.50"
C6	43.61	50.00	23.30	43.33	184°24'37.50"
C7	43.61	50.00	23.30	43.33	184°24'37.50"
C8	43.61	50.00	23.30	43.33	184°24'37.50"
C9	43.61	50.00	23.30	43.33	184°24'37.50"
C10	43.61	50.00	23.30	43.33	184°24'37.50"
C11	43.61	50.00	23.30	43.33	184°24'37.50"
C12	43.61	50.00	23.30	43.33	184°24'37.50"
C13	43.61	50.00	23.30	43.33	184°24'37.50"
C14	43.61	50.00	23.30	43.33	184°24'37.50"
C15	43.61	50.00	23.30	43.33	184°24'37.50"
C16	43.61	50.00	23.30	43.33	184°24'37.50"
C17	43.61	50.00	23.30	43.33	184°24'37.50"
C18	43.61	50.00	23.30	43.33	184°24'37.50"
C19	43.61	50.00	23.30	43.33	184°24'37.50"
C20	43.61	50.00	23.30	43.33	184°24'37.50"
C21	43.61	50.00	23.30	43.33	184°24'37.50"
C22	43.61	50.00	23.30	43.33	184°24'37.50"
C23	43.61	50.00	23.30	43.33	184°24'37.50"
C24	43.61	50.00	23.30	43.33	184°24'37.50"
C25	43.61	50.00	23.30	43.33	184°24'37.50"
C26	43.61	50.00	23.30	43.33	184°24'37.50"
C27	43.61	50.00	23.30	43.33	184°24'37.50"
C28	43.61	50.00	23.30	43.33	184°24'37.50"
C29	43.61	50.00	23.30	43.33	184°24'37.50"
C30	43.61	50.00	23.30	43.33	184°24'37.50"
C31	43.61	50.00	23.30	43.33	184°24'37.50"
C32	43.61	50.00	23.30	43.33	184°24'37.50"
C33	43.61	50.00	23.30	43.33	184°24'37.50"
C34	43.61	50.00	23.30	43.33	184°24'37.50"
C35	43.61	50.00	23.30	43.33	184°24'37.50"
C36	43.61	50.00	23.30	43.33	184°24'37.50"
C37	43.61	50.00	23.30	43.33	184°24'37.50"
C38	43.61	50.00	23.30	43.33	184°24'37.50"
C39	43.61	50.00	23.30	43.33	184°24'37.50"
C40	43.61	50.00	23.30	43.33	184°24'37.50"
C41	43.61	50.00	23.30	43.33	184°24'37.50"
C42	43.61	50.00	23.30	43.33	184°24'37.50"
C43	43.61	50.00	23.30	43.33	184°24'37.50"
C44	43.61	50.00	23.30	43.33	184°24'37.50"
C45	43.61	50.00	23.30	43.33	184°24'37.50"
C46	43.61	50.00	23.30	43.33	184°24'37.50"
C47	43.61	50.00	23.30	43.33	184°24'37.50"
C48	43.61	50.00	23.30	43.33	184°24'37.50"
C49	43.61	50.00	23.30	43.33	184°24'37.50"
C50	43.61	50.00	23.30	43.33	184°24'37.50"
C51	43.61	50.00	23.30	43.33	184°24'37.50"
C52	43.61	50.00	23.30	43.33	184°24'37.50"
C53	43.61	50.00	23.30	43.33	184°24'37.50"
C54	43.61	50.00	23.30	43.33	184°24'37.50"
C55	43.61	50.00	23.30	43.33	184°24'37.50"
C56	43.61	50.00	23.30	43.33	184°24'37.50"
C57	43.61	50.00	23.30	43.33	184°24'37.50"
C58	43.61	50.00	23.30	43.33	184°24'37.50"
C59	43.61	50.00	23.30	43.33	184°24'37.50"
C60	43.61	50.00	23.30	43.33	184°24'37.50"
C61	43.61	50.00	23.30	43.33	184°24'37.50"
C62	43.61	50.00	23.30	43.33	184°24'37.50"
C63	43.61	50.00	23.30	43.33	184°24'37.50"
C64	43.61	50.00	23.30	43.33	184°24'37.50"
C65	43.61	50.00	23.30	43.33	184°24'37.50"
C66	43.61	50.00	23.30	43.33	184°24'37.50"
C67	43.61	50.00	23.30	43.33	184°24'37.50"
C68	43.61	50.00	23.30	43.33	184°24'37.50"
C69	43.61	50.00	23.30	43.33	184°24'37.50"
C70	43.61	50.00	23.30	43.33	184°24'37.50"
C71	43.61	50.00	23.30	43.33	184°24'37.50"
C72	43.61	50.00	23.30	43.33	184°24'37.50"
C73	43.61	50.00	23.30	43.33	184°24'37.50"
C74	43.61	50.00	23.30	43.33	184°24'37.50"
C75	43.61	50.00	23.30	43.33	184°24'37.50"
C76	43.61	50.00	23.30	43.33	184°24'37.50"
C77	43.61	50.00	23.30	43.33	184°24'37.50"
C78	43.61	50.00	23.30	43.33	184°24'37.50"
C79	43.61	50.00	23.30	43.33	184°24'37.50"
C80	43.61	50.00	23.30	43.33	184°24'37.50"
C81	43.61	50.00	23.30	43.33	184°24'37.50"
C82	43.61	50.00	23.30	43.33	184°24'37.50"
C83	43.61	50.00	23.30	43.33	184°24'37.50"
C84	43.61	50.00	23.30	43.33	184°24'37.50"
C85	43.61	50.00	23.30	43.33	184°24'37.50"
C86	43.61	50.00	23.30	43.33	184°24'37.50"
C87	43.61	50.00	23.30	43.33	184°24'37.50"
C88	43.61	50.00	23.30	43.33	184°24'37.50"
C89	43.61	50.00	23.30	43.33	184°24'37.50"
C90	43.61	50.00	23.30	43.33	184°24'37.50"
C91	43.61	50.00	23.30	43.33	184°24'37.50"
C92	43.61	50.00	23.30	43.33	184°24'37.50"
C93	43.61	50.00	23.30	43.33	184°24'37.50"
C94	43.61	50.00	23.30	43.33	184°24'37.50"
C95	43.61	50.00	23.30	43.33	184°24'37.50"
C96	43.61	50.00	23.30	43.33	184°24'37.50"
C97	43.61	50.00	23.30	43.33	184°24'37.50"
C98	43.61	50.00	23.30	43.33	184°24'37.50"
C99	43.61	50.00	23.30	43.33	184°24'37.50"
C100	43.61	50.00	23.30	43.33	184°24'37.50"

[illegible]

DATE: DECEMBER 13, 2019	No. 1	Revision/Issue COURT REPORTS	By P	Date 12/23/20
SCALE: N/A				
DRAWN: DF				
APPROVED: TAP				
DRAWING: TABLE, PM, 2B, FINISHING				

ACR

Engineering, inc.

ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING

600 PINECONE COURT

SUITE 685

NORCROSS, GA 30071

TEL: (770) 291-0000

FAX: (770) 291-0000

Sheet
OF
5

FINAL PLAT
FOR
PHASE 2B
FLAT ROCK HILLS
LAND LOT 47 AND 50 - 16TH DISTRICT
CITY OF STONECREST
DeKalb County, GEORGIA