



## TOWN COUNCIL MEETING - REVISED

July 21, 2022 at 7:00 PM

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950 Senoia Road, Tyrone, GA 30290

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Eric Dial, Mayor

Gloria Furr, Mayor Pro Tem, Post 4

Linda Howard, Post 1

Melissa Hill, Post 2

Billy Campbell, Post 3

Brandon Perkins, Town Manager

Dee Baker, Town Clerk

Dennis Davenport, Town Attorney

### I. CALL TO ORDER

### II. INVOCATION

### III. PLEDGE OF ALLEGIANCE

**IV. PUBLIC COMMENTS:** *The first public comment period is reserved for non-agenda items. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

### V. APPROVAL OF AGENDA

**VI. CONSENT AGENDA:** *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

1. Consideration to approve minutes from June 29, 2022.
2. Consideration to renew the Towing agreement with Embrey's Towing, Inc.
3. Consideration to renew contract with Aabby Group for Right-of-Way mowing.
4. Consideration to Approve the Fertilization and Weed Control Contract renewal to TruGreen for FY 22/23.
5. Approval of updates to the Town's Procurement Procedures to include language recognizing the Assistant Town Manager position.
6. Consideration to approve classifying miscellaneous police equipment as surplus so that it can be properly disposed of.

### VII. PRESENTATIONS

## VIII. PUBLIC HEARINGS

### IX. OLD BUSINESS

7. Consideration to adopt a fee schedule for Town Code Enforcement Violations.  
**Katherine Crouch, Permit & Compliance Specialist | Phillip Trocquet**

### X. NEW BUSINESS

8. Consideration of the adoption of a new ordinance regulating Tourist Accommodations.  
**Brandon Perkins, Town Manager**
9. Approval of a fee for the registration of Tourist Accommodations.  
**Brandon Perkins, Town Manager**
10. Consideration to approve a Disclosure of Possible Conflict of Interest Letter from the Law Office of McNally, Fox, Grant & Davenport for the Sewer Billing Services Agreement.  
**Dennis Davenport, Attorney**
11. Consideration of the approval of a new Sewer Billing Services Agreement between the Town of Tyrone and Fayette County. **Brandon Perkins, Town Manager**
12. Consideration to approve Transportation Engineering Task Order 2 Rockwood-Crabapple-Senoia Design Phase to POND. Project Number PW-2021-13-02. **Scott Langford, Town Engineer / Public Works Director**

- XI. PUBLIC COMMENTS:** *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

### XII. STAFF COMMENTS

### XIII. COUNCIL COMMENTS

### XIV. EXECUTIVE SESSION

### XV. ADJOURNMENT

# TYRONE SPECIAL CALLED TOWN COUNCIL MEETING

Section VI, Item 1.

## MINUTES

June 29, 2022 at 9:00 AM

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Eric Dial, Mayor

Gloria Furr, Mayor Pro Tem, Post 4

Linda Howard, Post 1

Melissa Hill, Post 2

Billy Campbell, Post 3

Brandon Perkins, Town Manager

Dee Baker, Town Clerk

Dennis Davenport, Town Attorney

Council Member Howard was absent

Also present:

Katherine Crouch, Permit & Compliance Specialist

### I. CALL TO ORDER

### II. INVOCATION

### III. PLEDGE OF ALLEGIANCE

**IV. PUBLIC COMMENTS:** *The first public comment period is reserved for non-agenda items. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

### V. APPROVAL OF AGENDA

A motion was made to approve the agenda.

Motion made by Council Member Campbell, Seconded by Council Member Hill.

Voting Yea: Council Member Furr

**VI. CONSENT AGENDA:** *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

1. Consideration to approve the minutes from June 16, 2022.

A motion was made to approve the consent agenda.

Motion made by Council Member Furr, Seconded by Council Member Campbell.

Voting Yea: Council Member Hill.

## VII. PRESENTATIONS

## VIII. PUBLIC HEARINGS

## IX. OLD BUSINESS

## X. NEW BUSINESS

2. Consideration to adopt the 2022 Comprehensive Growth and Development Plan.  
**Phillip Trocquet, Town Planner**

Mr. Trocquet shared that before Council was the final draft of the Comprehensive Plan update. The plan had been through the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) review and approval. It was now ready for Council's approval per outlined in the official code of Georgia. He added that it was a year-long process. He stated that Council approved the draft in May for submission to the DCA. This was the final housekeeping item for final adoption, being that the deadline was the following day Council was allowed the most time legally for review.

Mr. Trocquet explained that before Council was a 5-year update to the plan which was considered a revision, not a full rewrite. He specified a few changes; an update to the community demographic and economic statistics consistent with the latest census, updated community input sections outlining the comments and conversations had with citizens in the public engagement activities, which included a 15-member Steering Committee, and public engagement events. He shared that according to ARC, Tyrone had the most online engagement that they had ever seen.

He stated that staff had expanded sections on downtown development consistent with the Town's recently completed Envision Tyrone Town Center Plan (LCI). He also expanded sections on multi-use infrastructure planning, projects, and strategies, and expanded sections on the northern portion of the SR-74 Corridor consistent with Economic Development discussions held since 2017. Finally, included was a revised version of the Future Development Map outlining the character area boundaries of the Town consistent with citizen input and Council approval.

He added that according to state regulations, it was required to update the plan every five years. It used to be every twenty, then ten. The next update would be due in 2027. He stated that staff recommended approval, and also shared that a small paragraph on the Infrastructure Investment and Jobs Act (IIJA) was added as a potential funding source.

Mayor Dial thanked the public for weighing in online and in person, thank you for caring about your town. He explained that the added IIJA funding source request was due to the railroad running through the town, it could be a blessing and a curse. The Town would be reaching out to the IIJA in hopes to obtain assistance with funding to build either a bridge or tunnel for additional access when the train stopped within the town limits. This was all premature, but it needed to be included within the Comprehensive Plan.

A motion was made to adopt the 2022 Comprehensive Growth and Development Plan.

Motion made by Council Member Campbell, Seconded by Council Member Hill.  
Voting Yea: Council Member Furr

3. Consideration to approve the purchase of a 2022 Ford Explorer with state contract number 99999-SPD-ES40199373-009S for an amount not to exceed \$38,374.34 on or after July 1st of 2022. **Phillip Trocquet, Town Planner**

Mr. Trocquet reminded Council that a new vehicle was approved for the Community Development department at the June 16<sup>th</sup> Council meeting. Wade Ford recently contacted staff to inform them that a local government cancelled their order for a 2022 Ford Explorer. The amount under state contract was \$38,294.34, which was \$4,100 below the sticker price which was approximately \$6,000 below the budgeted amount. He shared that the dealership was holding the vehicle per Council's approval. He added that Ford Explorers were usually six months on back order and we would have to wait. The Town would then have to pay the 2023 cost. Staff recommended the approval not to exceed \$38,374.34 which included an \$80 delivery fee.

Mayor Dial thanked Mr. Trocquet for acting quickly to receive a lower cost and added that he was excited to start the new fiscal year under budget.

A motion was made to approve the purchase of a 2022 Ford Explorer with state contract number 99999-SPD-ES40199373-009S for an amount not to exceed \$38,374.34 on or after July 1st of 2022.

Motion made by Council Member Campbell, Seconded by Council Member Hill.  
Voting Yea: Council Member Furr.

**XI. PUBLIC COMMENTS:** *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

Mr. Paul Vanderwalker from Boy Scout Troop 79, located at Hopewell United Methodist Church introduced himself to Mayor Dial and Council. He was in attendance for his Merit Badge. Mayor Dial welcomed Mr. Vanderwalker and added that he and Council appreciated their partnership with Scouts.

**XII. STAFF COMMENTS**

Mr. Perkins shared that all Town staff worked very hard behind the scenes. He especially wanted to thank Mr. Trocquet. He added that for a year and a half, two major planning initiatives were completed, the LCI and the Comprehensive Plan. He stated that it may not feel that the Town was accomplishing projects or moving forward, but planning was essential to everything. It was essential for moving forward and to also obtain funding. All staff was essential in running the day-to-day processes.

He stated that for the last year and a half Mr. Trocquet had been working diligently on those plans and he did a phenomenal job. He thanked him for leading the efforts. Now the town was positioned for implementation of the plans and for pursuing funding. Everyone joined Mr. Perkins in thanking Mr. Trocquet.

Mr. Trocquet directed Council to pages 59-61 in the Comprehensive Plan. This section was the state-required, Report of Accomplishments. These were planning goals. He added that if anyone wished to know what had been completed, that was the section to reference. He added that one of the requirements for the Comprehensive Plan was that particular section and what had been accomplished since 2017. Some of the projects would always be ongoing such as memberships with the Chamber of Commerce but a lot had been completed. He added that descriptions of the projects were included. He thanked Council for executing the projects. He shared that as the Town Planner, he had completed planning for a while, it was now time to seek funding and for implementation for increased levels of service for the citizens. It was an exciting time for the Town. Council Member Campbell added that the Downtown Development Authority had also been created.

### **XIII. COUNCIL COMMENTS**

Mayor Dial asked for an update on the Tyrone Road cart path. Mr. Trocquet shared that staff had just been given a revised plan. Staff's goal was to be as accommodating as possible to the property owners. The appraisals were complete and the last step would be negotiations with property owners. The project would then go out for bid. He approximated 6-12 months until completion. Mayor Dial asked how many property owners would be involved? Mr. Trocquet stated that staff would be meeting with six property owners. Mayor Dial asked if all property owners were satisfied with the plans? Mr. Trocquet stated that all six were satisfied as long as a certain amount of privacy improvements were made such as fencing and landscaping.

Mr. Perkins announced that Keck and Wood had completed the Redwine Park survey. He added that 60% of their plans for phase one, which included pickleball, should be ready by mid-July. That would put the town on track for an RFP in August, to be awarded by September.

### **XIV. EXECUTIVE SESSION**

### **XV. ADJOURNMENT**

A motion was made to adjourn.

Motion made by Council Member Furr.

The meeting adjourned at 9:20 am.

By: \_\_\_\_\_  
Eric Dial, Mayor

Attest: \_\_\_\_\_  
Dee Baker, Town Clerk





## COUNCIL AGENDA ITEM COVER SHEET

**Meeting Type:** Council - Regular

**Meeting Date:** July 21, 2022

**Agenda Item Type:** Consent Agenda

**Staff Contact:** Chief Randy B. Mundy

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### STAFF REPORT

**AGENDA ITEM:**

Wrecker Services Contract Renewal

**BACKGROUND:**

Embrey's Towing has provided towing and storage services to the Town since 2017

**FUNDING:**

Click or tap here to enter text.

**STAFF RECOMMENDATION:**

We recommend extending our wrecker services contract with Embrey's Towing for another year.

**ATTACHMENTS:**

Click or tap here to enter text.

**PREVIOUS DISCUSSIONS:**

Click or tap here to enter text.

STATE OF GEORGIA

TOWN OF TYRONE

### TOWN OF TYRONE WRECKER SERVICES CONTRACT

THIS AGREEMENT made and entered into this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_, by and between THE TOWN OF TYRONE, GEORGIA, a political subdivision of the State of Georgia (hereinafter the Town), and EMBREY'S TOWING (The wrecker service contractors shall individually or collectively hereinafter be referred to as the "Contractor").

WITNESSETH:

In consideration of the covenants and agreements herein mentioned and for good and other valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

#### **1. Contract purpose.**

The Town is an indirect beneficiary of this Contract to the extent that, under such Contract, the Town shall establish an obligation on the part of the Contractor to make available to the general public wrecker and related services when and as called upon by the Town of Tyrone. The Town shall establish the maximum rates for services rendered and shall safeguard the general public by assuring coverage while the Contractor is in the performance of this Contract. Upon execution of the Contract, the Contractor shall be bound to deliver services on the terms and conditions of this Contract. The "Town" shall include any Town official, whether law enforcement or otherwise, authorized to request wrecker services of the Contractor.

#### **2. Contract period.**

The term of this Contract shall be effective on the date of execution hereof and expire at midnight on \_\_\_\_\_, 20\_\_\_\_; however, upon written approval of the Contractor and the Town, it may be extended to a second, or third year. Extension of this Contract into the second or third year shall be made thirty (30) days prior to the expiration date. By written agreement of extension, the Contractor agrees to the terms and conditions of this Contract for the next twelve (12) months' period.

#### **3. Enforcement; official agent.**

The provisions outlined in this Contract shall be supervised and enforced by the Chief of Police of the Town of Tyrone, or his designee. The Chief of Police shall act as an official agent of the Town of Tyrone.

#### **4. Request for Services.**

(a) The terms of this Contract are binding when requests for services are initiated by the Town in the normal course of business through an official of the Town's Police Department or other authorized agent of the Town. Normal course of business shall include but not be limited to the following circumstances: Instituting an arrest, removing immediate traffic hazards, removing an abandoned vehicle from the public right of-ways, impounding stolen vehicles, removing illegally parked cars, any emergency situation requiring a wrecker vehicle summoned to assist in field operations, transporting vehicles to and from police headquarters or to the GBI crime lab or the Impound Lot for evidence collection and processing, removing a vehicle from the scene of an accident, unless otherwise directed by the Town, and such other services required by Town law enforcement in the interest of public safety.

(b) When the Town requests wrecker services as a courtesy (not in normal course of business) the terms of this Contract shall not apply. It shall be the responsibility of the Town official requesting the services to communicate to the Contractor of the "Private or Citizen Request". The Contractor shall not be bound to provide the services; however if such services are not to be provided, the Contractor shall immediately communicate such decision to the Town official requesting the services on the scene.

#### **5. Responding to calls.**

Unless otherwise provided herein, the Contractor assigned to a designated area shall be called by the Town for such wrecker services as set forth herein to be performed within the designated area. The Town official requesting such services shall indicate the number of wrecker vehicles required at the scene. If additional equipment or services are required, other than what can be provided by the Contractor, or if more than a reasonable amount of response time has elapsed, another Contractor may be summoned.

#### **6. Response time.**

Timely delivery of services is of the essence. The appropriate Contractor shall respond to a request for services and arrive at the scene within twenty (20) minutes from receipt of the call. If the contractor is unable to arrive within the allotted time, the Contractor shall immediately notify the requesting Town official who may then contact another Contractor to respond. In this event, and upon being advised of the cancellation, the contractor failing to respond shall notify its wrecker vehicle operator that the call has been canceled and such operator shall not proceed to the scene.

#### **7. Types of services rendered.**

The contractor shall be capable of rendering services which shall include but not be limited to the following:

- (a) Extricate and remove wrecked or disabled vehicles or equipment from the highways, roads streets, or other public thoroughfares and from such property in close proximity there to;
- (b) Tow or otherwise transport wrecked or disabled vehicles or equipment to such places as may be directed by the Town;
- (c) Remove cargo or other material from the highways, roads, streets, or thoroughfares which is part of a load being transported over such right-of-way;
- (d) Remove cargo or other material from highways, roads, streets, or other public thoroughfares to a site or location designated by the Town; and
- (e) Sweep up and remove broken glass or other debris when a vehicle is removed from the highways, roads, streets, or other public thoroughfare.

#### **8. Charges for services.**

(a) The Contractor shall be authorized to charge the general public certain fees, at rates not greater than those provided hereafter, for all services rendered pursuant to the provisions of this Contract. The term "services" shall include all notices to the vehicle owners, other paperwork, procedures, tools, equipment, and manpower necessary incidental to the removal of a vehicle, equipment, cargo, or debris to the Contractor's storage facility, Police Department headquarters, Town Impound Lot, or other locations designated by the Town.

(b) All applicable rates shall be displayed in the Contractor's business facility in a prominent manner for the convenience of vehicle claimants and the general public. Billings or statements of charges shall be itemized and clearly printed so any charge can be verified with the posted rates.

(c) The Contractor shall be authorized to charge the following rates for services rendered to the public pursuant to the provisions of this Contract:

- (1) For the purpose of seeking identification of the vehicle owner, security holders, or other interested parties; sending the required notification to the vehicle owner, security holders, Department of revenue, or other interested parties; and performing any and all other duties prescribed under the Official Code of Georgia, Title 40, Chapter 11, "Abandoned Motor Vehicles" the Contractor may charge an Administrative fee not to exceed Thirty Dollars (\$30.00) in addition to an amount not to exceed Forty-Five Dollars (\$45.00) per letter for the first notice required under O.C.G.A. 40-11-2 (d) ; the Contractor may charge an amount not to exceed Forty-Five Dollars (\$45.00) per letter for the second notice required under O.C.G.A. 40-11-2(e) ; the Contractor may charge an amount not to exceed Ten Dollars (\$10.00) for advertising pursuant to State Law; the Contractor may charge an amount not to exceed Fifty Dollars (\$50.00) to acquire any required court orders; and the Contractor may charge any additional amounts to cover other costs incurred under these requirements.

- (2) For those services enumerated in paragraph 7(a) through (e) above, types of services rendered, and for simple transporting of automobiles, motorcycles, and trucks with a gross vehicle weight rating of less than 10,000 lbs, from any point in the Town to the Contractor's storage facility, Police Department Headquarters, Sheriff's impound facility, or other location designated within the Town, the Contractor may charge an amount not to exceed One Hundred Twenty-Five Dollars (\$125.00) per vehicle;
- (3) For simple transporting of trucks with a gross vehicle weight rating between 10,001 lbs. & 20,000 lbs. from any point in The Town to the Contractor's storage facility, Police Department Headquarters, Sheriff's impound facility, or other location designated within The Town, the Contractor may charge an amount not to exceed One Hundred and Eighty-Five Dollars (\$185.00) per unit;
- (4) For simple transporting of single unit trucks with a gross vehicle weight rating greater than 20,001 lbs. from any point in the Town to the Contractor's storage facility, Police Department Headquarters, Sheriff's impound facility, or other location designated within the Town, the Contractor may charge an amount not to exceed Three Hundred and Ten Dollars (\$310.00) per vehicle.
- (5) For simple transporting of combination unit trucks with a gross vehicle weight rating greater than 26,001 lbs. from any point in the Town to the Contractor's storage facility, Police Department Headquarters, Sheriff's impound facility, or other location designated within the Town, the Contractor may charge an amount not to exceed Six Hundred Fifty Dollars (\$650.00) per vehicle.
- (6) When additional services are required, i.e. temporary repair to the disabled vehicle, or where necessary to remove the vehicle from an inaccessible location and to place it upon the public highway, road, or street, the Contractor shall be entitled to charge an additional amount for such services as follows:
  - (a) Single Units
 

Up to 10,000 lbs.	\$180 per hour per unit
10,001 lbs. – 20,000 lbs.	\$280 per hour per unit
20,001 lbs. and over	\$460 per hour per unit
  - (b) Combination Units                      \$920 per hour per unit
  - (c) Any additional fees that the Contractor incurs when the use of a sub-contractor is required may also be charged to the vehicle owner.
- (7) Where dollies or flatbeds are necessary, the Contractor may charge an additional amount not to exceed Twenty-Five Dollars (\$25.00);

- (8) Where it becomes necessary to drop the drive shaft on a vehicle in order to transport it safely, the Contractor may charge an additional amount not to exceed Twenty-Five Dollars (\$25.00);
- (9) When it is necessary to remove a tractor/trailer axle, the Contractor may charge an additional amount not to exceed Twenty-Five Dollars (25.00) per axle;
- (10) When it is necessary to connect air to a trailer, the Contractor may charge an additional amount not to exceed Twenty-Five Dollars (\$25.00);
- (11) For storage of vehicles in excess of 24 hours, the Contractor is authorized to charge up to the following amount per day or portion of a day:
  - (a) Single Units
    - (1) Up to 10,000 lbs. \$18
    - (2) 10,001 lbs. – 20,000 lbs. \$25
    - (3) 20,001 lbs and over \$35
  - (b) Combination Units \$50
  - (c) The contractor shall not charge storage for a stolen vehicle that has been recovered until after the vehicle owner has been notified of the recovery by the Law Enforcement agency.
  - (d) Inside storage rates are double those established above for outside storage.
- (12) The Contractor shall transport and store, without charge, any vehicle which was impounded and belongs to the family of the victim of a capital crime i.e. murder, rape, or kidnapping.
  - (a) Under no circumstances shall any Contractor have the authorization to charge any incidental charges that shall exceed the maximum charges as defined by this Contract.
  - (b) The Contractor shall tow vehicles needed for criminal or traffic accident investigation to or from the crime scene to Police Headquarters, Town Impound Lot, State Crime Lab, or any other site designated by the lead investigator without cost to the Town; provided,
    - (1) Except in the case of a capital crime, the Contractor may charge the vehicle owner, provided the owner is someone other than the Town, for the cost of towing the vehicle; however, this charge shall not exceed the amount that could have been charged for towing the vehicle directly from the crime or accident scene to the Contractor's lot regardless of how many times the Contractor had to move the vehicle, and
    - (2) Once the vehicle is parked on the Contractor's lot, the Contractor may charge storage fees after the owner of the vehicle has been notified by the Police department for the recovery or release of the vehicle.

**9. Responsibility for charges; vehicle held as security.**

The Town shall not be responsible to the Contractor for any amount whatsoever, but all monies owed to the Contractor, pursuant to the terms of the Contract, are the obligation of the owner of the vehicle removed and stored. Each vehicle shall stand as security only for the charges against that vehicle, and when vehicles are unclaimed, such vehicle may be sold as provided by Georgia law.

**10. Release of vehicles.**

- (a) No Contractor shall release any impounded or stored vehicle to any individual if a hold is placed by the Town Police Department. Once the hold is released from the vehicle, the Town shall provide written notification to the Contractor and the vehicle may be released.
- (b) No vehicle which is impounded or stored shall be released for auction, sale, or other means of disposal, other than to the owner or pursuant to a court order, unless the provisions and requirements of the Georgia Abandoned Vehicle Act have been met. The Contractor shall be furnished with a copy of this law and shall submit a notarized form affirming that the Contractor fully understands the requirements of the law. The affirmation shall be submitted to the Town Police Department.
- (c) Upon written notice from the Chief of Police or his respective designees, the Contractor shall release vehicles at no cost when wrongfully impounded by the Town. Whenever a fee dispute arises or a fee refund is requested, the Town shall make the final determination of settlement. If a refund is deemed appropriated, the Contractor shall be responsible for payment to the party within (3) business days of the notification from the Town.

**11. Contractor's responsibility for vehicle and personal property; inventory at scene.**

- (a) The Contractor shall be responsible for all vehicles and property towed, transported or stored under this Contract, including all equipment and contents therein.
- (b) The Town official responsible for impounding a vehicle shall make an on-sight inspection of the vehicle and itemize in his report any apparent damages or missing items such as auto parts or accessories. The Town official shall also make an inventory of all items of value left in the vehicle. The impounding Town official shall retain a copy of the inventory form and attach it to his report.
- (c) The Contractor's operator shall verify the accuracy of the inventory taken at the scene and confirm it by signature. The impounding Town official shall provide the Contractor's operator with a copy of the impound form.

**12. Hours of service.**

- (a) The Contractor shall maintain adequate equipment and a sufficient labor force to meet their demand for services on a full 24-hour per day basis every day of the year. Standby crews and equipment are to be arranged so as to meet emergency situations under abnormal conditions.
- (b) The Contractor shall release impounded vehicles between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except on holidays, and is not required to release vehicles between the hours of 5:00 p.m. and 8:00 a.m. and on weekends; However, the Contractor may charge an after- hours fee not to exceed Twenty Five Dollars (\$25.00) if they offer vehicle releases outside of the days and times established above.

**13. Office and storage facilities; signs**

- (a) The Contractor shall maintain a suitable headquarters facility to transact business and to accommodate the general public. The office shall be staffed between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday; except on public holidays; and such other additional times as the Contractor may offer. There shall be an employee who can be reached by phone 24 hours per day, every day of the year. Such facility shall be maintained properly clean and presentable at all times and shall be subject to inspection by the Town during normal business hours.
- (b) The Contractor shall have a storage area within Fayette County of an area of such size to safely accommodate 200 passenger automobiles, for storage of towed vehicles or equipment. Such storage area shall be within close proximity to the Contractor's designated area and be secured against free entry and in such a way as to give security to the property entrusted in the Contractor's care. Any storage area that is otherwise open must be enclosed with a fence of at least six (6) feet in height with barbed wire or razor topping to discourage theft, damage or malicious mischief. Such storage areas shall have security with a person in attendance at reasonable times. Such open area shall be paved or have a sufficient packed gravel surface to prevent problems in entry or exit during inclement weather. The Town shall be allowed to inspect the Contractor's facilities to insure compliance with these specifications during normal business hours.
- (c) In addition to the secure, outdoor storage facilities described in paragraph (b) above, the Contractor shall provide secure indoor storage facilities to accommodate any vehicles impounded for evidentiary purposes. It shall be the responsibility of the impounding officer or investigator to request secure storage and indicate same on the impound form at the time of impound. The Contractor may charge the vehicle owner additional fees for inside storage pursuant to Section 8, paragraph (c) (11) (c) of this agreement.

**14. Wrecker vehicle, towing and other equipment.**

- (a) The Contractor shall maintain in operating condition at all times the following equipment:
  - 1. A minimum of four (4) roll back or similar type wrecker vehicles capable of transporting motorcycles, light trucks, cars and/or any other motorized vehicle;
  - 2. A minimum of two (2) conventional type wrecker vehicles for winching vehicles out of ditches and other in-accessible locations; and
  - 3. A minimum of one (1) large wrecker vehicles capable of transporting any vehicle (over 26,001 lbs) such as a tractor-trailer truck.
- (b) Each wrecker vehicle shall carry and maintain a full compliment of service items, including fire extinguishers, chains, ropes, blocks, dollies, stop lights, flares, flashers, flood lights, hand tools, lock-out tools, shovels, axes, wrecking bars, brooms, and other tools necessary for lifting, extricating and righting of wrecked vehicles.
- (c) All wrecker Vehicles shall display the name and telephone number of the Contractor in not less that four (4) inch letters and numbers.

**15. Company owners.**

The Contractor affirms that its principal owners are not elected officials or employees of the Town. The Contractor shall not have in its employ any elected official or any employee of The Town.

**16. Personnel.**

- (a) The Contractor shall submit to the Police of Chief the names, addresses, social security numbers, and dates of birth of all persons employed and associates having a financial interest or ownership in the Contractor's wrecker business. Each person listed by the Contractor shall consent to be photographed by the Police Department, sign a GCIC consent form, and be subjected to a complete background investigation. If, in the opinion of Town of Tyrone Chief of Police and Staff Attorney, any employee's or associate's background contains information that could be construed as presenting the possibility of loss or harm to property or persons in performing job duties under this Contract, notice in writing within thirty (30) days shall be provided from the Town to the Contractor. Such notice shall prescribe the findings and measure to be taken with respect to such employee or associate.
- (b) The Contractor shall submit to the chief of police the full names, addresses, social security numbers, and dates of birth of all subsequent additions or deletions of personnel within 24 hours of their employment or departure.
- (c) All drivers of the Contractor's wrecker vehicles shall possess a valid Georgia Driver's License as required by state law.

**17. Records**

- (a) The Town shall make inventory forms available to its officers for the services rendered under this Contract. In addition to any other information required by law, the following shall be indicated on the form:
1. The case number;
  2. The name of the Town official on the scene or requesting the wrecker services;
  3. The name of the wrecker vehicle operator;
  4. A description of the vehicle to be transported, including make, model, color, tag number and vehicle identification number;
  5. The on-site inspection results, identifying any' physical damage and/or any missing auto parts or accessories;
  6. The time the wrecker operator arrived at the scene and the time such vehicle was delivered; and
  7. The location of the pickup and final destination.
- (b) Under the following conditions, an impound form shall be completed at the scene of the impoundment:
1. When a stolen vehicle is recovered;
  2. When vehicles impounded are sent to the state or county crime lab;
  3. When the driver of a vehicle is arrested, and it is determined that no authorized person can legally take possession of the vehicle;
  4. When the driver is taken to a medical facility and is not able to provide competent directions for the care and safekeeping of the vehicle;
  5. When an abandoned vehicle is impounded in accordance with federal, state, or local laws; and
  6. When an unattended vehicle is impounded as a result of a parking violation, road hazard, or other similar circumstances.
- (c) All other impounds in which the Contractor is summoned to the scene by the Town shall be treated as an impound, but it shall not be necessary to complete an impound form at the scene; however, the impound form must be complete within one hour of the impound.
- (d) The Contractor agrees that the Chief of Police, or his duly authorized designee, shall have access to and the right to examine any books, documents, papers or records of the Contractor relating to the Town's wrecker service business. Such business records of the Contractor shall be maintained for three years after the expiration of the Contract.
- (e) The Contractor shall immediately summon the Police upon determining that a theft or loss of a stored vehicle has occurred.

- (f) Any switching, removal, or relocation of a stored, impounded vehicle, or equipment from the initial facility to another facility under the Contractor's care shall be reported to the Town by telephone or facsimile before the vehicle is moved with a written report to the Chief of police or his designee within 24 hours.

**18. Contractor's liability; other insurance.**

- (a) General insurance requirements shall be applicable to the Contractor and any authorized subcontractor. Insurance requirements shall be based on conditions in place as of the date of the Contract's execution. The Town reserves the right to require adjustments in the level of coverage or waive any or all requirements based on information pertinent to this Contract.
- (b) The following requirements shall also be applicable to the Contractor:
1. Evidence of insurance shall be provided to the Town prior to commencing operations under this contract;
  2. Failure of any contractor to procure and maintain the required insurance shall not relieve the Contractor of any liability under the Contract, nor shall these requirements be constructed to conflict with the obligation of the Contractor concerning indemnification;
  3. Any and all insurance required by this Contract shall be maintained during the entire term of this Contract;
  4. The Town shall, without exception be given no less than thirty (30) days notice prior to cancellation for any and all reasons other than non-payment of premium; and
  5. The Town shall, without exception, be given immediate notification in the event of cancellation for reasons of non-payment of premium.
- (c) The Contractor shall procure and maintain insurance coverage which meets or exceeds the current requirements as established by the State of Georgia for private and permitted towing. Proof of coverage will be provided to the Chief of Police upon execution of this Contract.

**19. Communications; cancellation.**

- (a) The Contractor shall have two-way communications between their wrecker vehicles and the Contractor's main office.
- (b) In the event the Town cancels a request for wrecker services, the Contractor shall be responsible for communication with the wrecker vehicle operator of the cancellation and no fee shall be charged.

## **20. Town Owned Vehicles**

Tyrone Police Department vehicles shall be towed at no cost to the Police Department or it's designated repair facility.

## **21. Administrative Enforcement**

- (a) The Contractor agrees that an Administrative Fine up to \$1,000.00 can be imposed by the Chief of Police for any violation of the provisions of the agreement.
- (b) The following schedule lists the fines for the described misconduct:
  - 1. For "jumping a call" by answering a call in another district without being summoned by the Police Department's Communication E911, a fine of up to \$250.00 per incident after having received a written warning from the Chief of Police.
  - 2. For failure to meet the response time requirement, a fine up to \$50.00 per incident after having received two written warnings from the Chief of Police.
  - 3. For failure to render required services such as sweeping debris from roadway, a fine up to \$50.00 per incident after having received two written warnings from the Chief of Police.
  - 4. Overcharging for services governed by this contract, a fine up to \$1,000.00 after having received a written warning from the Chief of Police. The Contractor will refund any authorized fees in all cases where a vehicle owner is overcharged for services.

## **22. Suspension; termination of contract**

- (a) The Town shall have the right to immediately suspend, upon verbal communication to a Contractor, any services if the Contractor fails to fulfill its obligations hereunder. Written notice shall thereafter be given to the Contractor within seventy-two (72) hours stating the cause for the suspension. The period of suspensions shall be until the Contractor has demonstrated its ability to comply with all terms and provisions of the Contract and has submitted to the Town, in writing, a satisfactory plan to eliminate or cure the violation.
- (b) The Town shall have the right to terminate this Contract if, after appropriate notice to a Contractor, the Contractor has failed to remedy any violation of this Contract within a reasonable time. In this event, written notice of termination shall be given to a Contractor specifying the effective date of such termination.
- (c) This Contract may be terminated, without cause, by any party hereto at any time by mutual consent. Either party may terminate this Contract, unilaterally, provided the other party is given at least sixty (60) days written notice prior to the effective date of termination.

**23. Performance; approval to subcontract.**

The Contractor shall perform all services contemplated herein as an independent contractor and not as agents or employees of the Town. The Contractor shall secure written permission from the Town prior to subcontracting any services required under the Contract.

**24. Responsibility to obey all laws; license; permits**

The Contractor shall conform to all federal, state and local laws, rules, ordinances and regulations now in effect and as may be hereafter enacted or revised. Specifically, the Contractor shall comply with all provisions and conditions of the Official Code of Georgia Annotated, Chapter 11 of Title 40, entitled "Abandoned Motor Vehicles". The Contractor shall also be responsible for securing and maintaining all federal, state, and local licenses and permits.

**25. Standard of care,**

The Contractor shall perform all services required under this Contract in a professional manner using that degree of care and skill ordinarily exercised by and consistent with the standards in the wrecker service industry.

**26. Indemnification.**

The responsible Contractor agrees to indemnify and hold harmless the Town, its officers, officials, employees, agents and servants from any and all claims, demands, actions, causes of actions, suits, damages, losses and expenses, of whatever kind or nature (including reasonable attorney's fees) arising out of or in connection with this Contract caused by or resulting from the omission or commission of an act, or neglect of a Contractor.

**27. Severability**

If any term, covenant or conditions of this Contract shall to any extent be declared invalid or unenforceable by a Court of competent jurisdiction, the remainder of this Contract shall not be affected thereby, and each term, covenant or condition hereof shall be valid and enforceable.

**28. Entire agreement; modification.**

This Contract contains the entire agreement between the parties hereto, and no representations, inducements, promises, commitments or agreements between the parties not contained and embodied within the terms of this Contract shall be of any force and effect. Contractor understands that as work progresses, this Contract may require modification.

Contractor agrees to negotiate in good faith relative to any such modification.

**29. Compliance with Security and Immigration.**

Compliance with Georgia's Security and Immigration Compliance Act of 2006 – O.C.G.A 13-10-91. Firm(s) awarded bid shall verify the employment eligibility of employees through a Federal work authorization program.

IN WITNESS WHEREOF, all parties hereto have executed the Contract by and through their respective authorized officers or officials, and have caused their respective seals to be hereunto affixed, upon the day and year first above written.

\_\_\_\_\_  
Mayor.  
Town of Tyrone

ATTEST : \_\_\_\_\_

\_\_\_\_\_  
Contractor

ATTEST: \_\_\_\_\_

III. References

Provide the names, locations, year, contact names and telephone numbers within the last five (5) years in the State of Georgia with whom you have had a working relationship, as references for the Town. (Preferably, the references should be governmental units.) References will be contacted and rated upon their satisfaction of service provided.

Name	Project Location	Year	Contact Name and Phone Number



# COUNCIL ITEM AGENDA REQUEST FORM

**Department:** Public Works

**Meeting Date:** July 21, 2022

**Staff Contact:** Scott Langford, PE

**Agenda Section:** Consent Agenda

## Staff Report:

### Item Description:

Renewal of the Right-of-Way Mowing Contract to Aabby Group

### Background/History:

The right-of-way mowing contract was award to Aabby Group and started July 1, 2020. Since that time, the Town has renewed the project in accordance with the contract documents.

### Findings/Current Activity:

There are no changes to the contract scope or fee.

**Is this a budgeted item?** Yes **If so, include budget line number:** 100-40-52-2203

### Actions/Options/Recommendations:

Staff recommends Approval of the Right-of-Mowing contract renewal to Aabby Group.

**Town of Tyrone Contract Renewal Form**

Vendor: Aabby Group

Original Contract Date: July 1, 2020 to June 30, 2021

Contract for: Right-of-Way Mowing and Grounds Maintenance

New Contract Extension Date: July 1, 2022 to June 30, 2023

This extension agreement as described above extends the existing contract without change including, but is not limited to, conditions, scope of work, term, price, schedule, and insurance requirements. As Vendor, you here by confirm that you have legal authority with the company to approve contracts and extensions, and your company accepts the same contract as the original contract for the time extension listed above. Also attached is an update Certificate of Insurance for the amounts depicted on the contract.

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

Vendor Name: (printed) \_\_\_\_\_

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

The Town of Tyrone hereby agrees to the extension of the contract as allowed under the provisions of the original contract.

Town Signature \_\_\_\_\_

Name: (Printed) \_\_\_\_\_ Date Signed: \_\_\_\_\_



# COUNCIL ITEM AGENDA REQUEST FORM

**Department:** Public Works

**Meeting Date:** July 21, 2022

**Staff Contact:** Scott Langford, PE

**Agenda Section:** Consent Agenda

## Staff Report:

### Item Description:

Renewal of the Fertilization and Weed Control Contract to TruGreen

### Background/History:

The Fertilization and Weed Control contract was award to TruGreen and started November 29, 2019. Since that time, the Town has renewed the project in accordance with the contract documents.

### Findings/Current Activity:

There are changes to the contract scope and fee. The original fee for the grounds did not include the Municipal Complex and has not changed from \$9,128.00. The Municipal Complex is \$1,232.00 a year. Staff is combining the Municipal Complex scope and cost with the original scope and cost which equates to \$10,360.00; therefore, we are still paying the same amount we paid last fiscal year.

**Is this a budgeted item?** Yes If so, include budget line number: 100-40-52.2203 and 100-62-52.2203

### Actions/Options/Recommendations:

Staff recommends Approval of the Fertilization and Weed Control contract renewal to TruGreen for \$10,360.

**Town of Tyrone Contract Renewal Form**

Vendor: TruGreen LP

Original Contract Date: November, 29 2019

Contract for: Fertilization and Weed Control

New Contract Extension Date: June 30, 2023

This extension agreement as described above extends the existing contract without change including, but is not limited to, conditions, scope of work, term, schedule, and insurance requirements. Price has increased to \$10,360 annually as per the attached TruGreen chart entitled, "2022/2023 Commercial Account Service Confirmation. As Vendor, you here by confirm that you have legal authority with the company to approve contracts and extensions, and your company accepts the same contract as the original contract for the time extension listed above. Also attached is an update Certificate of Insurance for the amounts depicted on the contract. The Town has attached TruGreen's 2022/2023 Commercial Account Service Confirmation sheet for their convenience.

Vendor Signature: Vendor Name: (printed) J. R. ROBERTS, TRUGREEN Date signed: 7/11/22

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The Town of Tyrone hereby agrees to the extension of the contract as allowed under the provisions of the original contract.

Town Signature \_\_\_\_\_

Name: (Printed) \_\_\_\_\_ Date Signed: \_\_\_\_\_

## 2022/2023 Commercial Account Service Confirmation

**Town of Tyrone**  
**8881 Senoia Rd**  
**Tyrone, GA 30290**  
**Services for 7/01/22**

**Services for 7/01/22 - 6/30/23**

[illegible]

<i>J.R. Roberts</i>	05/19/22
TruGreen Commercial Services	Date
Commercial Account Manager	

Date \_\_\_\_\_

Authorized Signature

Printed Name



## COUNCIL AGENDA ITEM COVER SHEET

**Meeting Type:** Council - Regular

**Meeting Date:** July 21, 2022

**Agenda Item Type:** Consent Agenda

**Staff Contact:** Brandon Perkins, Town Manager

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### STAFF REPORT

**AGENDA ITEM:**

Approval of updates to the Town's Procurement Procedures to include language recognizing the Assistant Town Manager position.

**BACKGROUND:**

The Town has not employed anyone in the position of Assistant Town Manager for many years, but recently promoted Mr. Trocquet to the position. As a result of years without anyone in the position, there is no mention of it and its duties in the Town's updated purchasing manual. The attached update corrects this issue and allows the Asst. Town Manager to sign off on purchases in appropriate circumstances.

All proposed changes to the existing document are either double underlined or indicated by red text in the attached draft. No other changes have been made to the policy.

**FUNDING:**

None.

**STAFF RECOMMENDATION:**

Staff recommends approval of this basic update.

**ATTACHMENTS:**

1. Draft Update to the Procurement Manual

**PREVIOUS DISCUSSIONS:**

None.



## TOWN OF TYRONE EMPLOYEE HANDBOOK

<b>CHAPTER:</b>	<b>Procurement Procedures</b>		
<b>EFFECTIVE DATE:</b>	10/01/2020	<b>PAGES:</b>	14
<b>REVISION DATE:</b>	<u>07/22/2022</u>	<b>DISTRIBUTION:</b>	Department Heads/Supervisors

### I. PURPOSE

The purpose of this policy is to establish sound procedures to be followed by employees when purchasing goods and services on behalf of the Town.

### II. POLICY

The policy of the Town of Tyrone is to provide fair and equitable treatment of all persons involved in public purchasing with the Town, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

These policies and procedures are designed to ensure that all Town funds are expended in accordance with sound business practices, recorded in compliance with acceptable accounting procedures, and meet the requirements of federal and state agencies that may assist in the financing activities of the Town of Tyrone (Town).

### III. SCOPE

This purchasing policy will apply to all Town departments and to other agencies, authorities, commissions, and joint-ventures as the governing authority may deem appropriate.

This document shall be viewed as a manual to be referred to and relied upon by departments of the Town in their acquisition or purchase of goods and services. Each person making purchases, preparing bids and RFP's, and/or any other procurement function on behalf of the Town, is required to read and understand this manual.

**A. Full and Open Competition**

The Town will make every effort to obtain high quality goods and services at the best possible price. All procurement procedures will be conducted in a fair and impartial manner with the avoidance of any impropriety. All purchasing transactions are subject to the State of Georgia's Open Records Act.

**B. Gratuities and Gifts**

To reduce the potential for conflicts of interest, abuse of position, or even the appearance of impropriety, the Town limits gifts employees or officials may receive from organizations, business concerns, or individuals with which they have (or may have in the future) official relationships concerning the business of Town government. Employees may receive an occasional meal, promotional items routinely distributed by vendors, and de-minimis holiday gifts. Gifts with an actual or perceived value of \$25.00 or less will be considered to be de-minimis.

**C. Interests of Officials or Employees in Expenditure of Public Funds**

All transactions of the Town that involve the use of public funds will be in compliance with the requirements of the Town's Code of Ethics ordinance and applicable state law. Refer to Town's Code of Ethics ordinance in Exhibit A.

**D. Disclaimer of Responsibility**

The Town will not be responsible or liable for any expenditure or agreement for expenditure made by a Town employee or Town official utilizing public funds who fails to follow this purchasing policy and procedures. It is considered a "breach of duty" on the part of any employee who procures goods or services not consistent with the purchasing policy. Any breach will be reported to the Town Manager and Finance Manager in writing.

The Mayor and Council may disclaim responsibility and liability for any expenditure or agreement for expenditure arising from a procurement of goods or services made in its name, in the name of any governmental department under its fiscal authority, by an unauthorized person acting outside these policies. The cost of any such disclaimed transaction will become the personal liability of the individual who acted improperly.

## V. SPECIFIC POLICIES

### A. Procurement Control

1. While oversight of this policy is the ultimate responsibility of the Finance Manager, each department head is responsible for the enforcement of these policies and procedures within their respective department(s).
2. Departments are restricted from purchasing or contracting with vendors for goods or services until the vendor is set up in the accounting system by the Finance Department. Departments desiring to utilize a new vendor that is not set up in the system will obtain a W9 from them and provide it to the Finance Department for entry. Once the Finance Department notifies the requesting department that the vendor is set up in the system, business may be conducted with the new vendor.
3. Departments are responsible for preparing and signing a Purchase Order (PO) at the time any goods or services with a cost over \$500.00 are ordered/purchased. PO numbers are obtained by calling the Office Coordinator at Town Hall and must be included on the PO form. Purchases that do not require a PO still require the signature of the responsible department head. The department head's signature on the invoice will fulfill this requirement.
  - a. Note that routine bills over \$500 do not require a PO form. The responsible department head's signature on the stamped invoice will suffice.
4. If required, bids or quotes must be attached to the PO.
5. Once the goods and invoice are received, the PO, packing slip (or other form of documentation showing proof of receipt), and invoice will be matched by the responsible department head and sent to accounts payable for processing.
6. Accounts payable (Finance Department) will review for proper documentation, proper budget coding, and accuracy. Any discrepancies will be reported to the person approving the purchase order before payment is made to the vendor.
7. It is the responsibility of the departments to reconcile vendor invoices specific to their department. The Finance Department will assist in this process on an as needed basis.

8. The Town Manager, or a designee, will have the authority to review invitations to bid issued on behalf of the Town and to question the quality, quantity, and type of commodity or service requested. The Finance Manager, or a designee, will be responsible for periodic review of purchases on behalf of the Town for compliance with the purchasing policy. Non-compliance will be reported to the Town Manager.

## B. Budget Allocation and Control

No procurement which obligates the Town to pay for goods or services will occur unless a budget appropriation is available. Each respective department head or designee has the responsibility of reviewing their budget for funding availability prior to beginning the process of ordering goods or services. The budget can be overridden by the Town Manager, Assistant Town Manager, or Police Chief only in the event of an emergency purchase (as strictly defined in this document). It is the responsibility of the department head to request any needed budget amendments, in writing, to the Finance Manager for submission to Council for approval. The department head is authorized to request operating budget transfers within departmental budgets at his/her discretion by submitting the request, in writing, to the Town Manager and Finance Manager.

## C. Procurement Thresholds

Policy pertaining to the amount of a purchase determines how the purchase will be handled. Listed below are general minimums for quotes, bids, and proposal guidelines for supplies and capital expenditures. These thresholds apply to **aggregate purchases**. For example, if 10,000 screws are purchased for \$1 each, the aggregate price is \$10,000, not the individual price of \$1.

Purchase orders **may not** be split to avoid following these threshold requirements. The Finance Department will strictly monitor these requirements.

The Town Manager, Assistant Town Manager, and/or the Finance Manager have the authority to question all purchases, including the vendor selection.

***Please note that federal or state grant-contract procurement requirements may preempt local policy. It is the responsibility of the department administering the grant or contract to follow stated contractual procurement. Non-compliance can result in the Town paying back funds to the federal or state agency.***

Amount	Procedure
Up to \$500	Direct purchase by the department head.
Greater than \$500 and up to \$2500	Three documented quotes are required; Direct purchase to be made by the department head.

Greater than \$2500 and up to \$9999.99	Three documented quotes are required; These purchases must be budgeted and submitted by the Department Head for approval by the Town Manager <u>or Assistant Town Manager, as appropriate</u> . If a purchase is not budgeted, Council approval is required if the amount is \$5000 or greater.
Greater than \$10,000 and up to \$19,999.99	Advertisement on the Georgia Procurement Registry is required; These purchases must be submitted by the Department Head to the Town Manager for review; Requires Council approval.
\$20,000 or greater	Formal sealed bids are required; Must be submitted to the Town Manager and Finance Manager for review; Requires Council approval.

1. Public Works construction contracts (building, altering, repairing, improving, or demolishing of any kind to any public structure, building, or other public real property other than those projects covered by Chapter 4 of Title 32) are required to comply with O.C.G.A. §36-91-1 through §36-91-95. as those provisions relate to advertising, bidding, and all other general requirements outlined therein. Exhibit B attached hereto is hereby incorporated herein for all procurement required over the course of these projects. These contracts shall require a bid bond (5%), a performance bond (100%), and a payment bond (100%).

These requirements may be waived if prior favorable experience justifies allowance of cash deposit or bank letter of credit in lieu of bonding requirements. Such allowances must be approved by Mayor and Council.

2. Bulk fuel is exempt from the formal bid policy due to the quantity, time factor of demand, and the daily pricing volatility. Purchase requires three written quotes from qualified vendors.
3. Recurring Purchases such as utilities, debt service, and contracted services (e.g. backflow testing, exterminating, printing, security monitoring, routine maintenance, cleaning, and advertising) are exempted from this policy. Recurring purchases may be subject to annual formal sealed bidding procedures on a Town-wide basis if deemed necessary by the Town Manager.

#### D. Bidding and Procurement Process

1. Federal and State Contracts

Whenever goods or services are available to the Town through a contract with the federal or state government, and when such items or services meet

the requirements of the department, such item or service will be deemed to have met the requirements of competitive bidding. Once approved, the Town Clerk will archive the contract in the official Town records

2. If any purchase requires a signed contract (services, construction, etc.), said contract will be forwarded to the Town Attorney for review prior to inclusion on the agenda of the Mayor and Council for approval.
3. Cooperative Purchasing Agreements/Intergovernmental Agreements (IGA)

The Town is authorized to enter into cooperative purchasing agreements with other units of government when it is in the best interest of the Town. ***The cooperative purchasing agreement must have been competitively bid by the issuing government entity.*** Departments desiring to enter into these agreements will send the information to the Finance Department for review. The Finance Department will complete the setup process and send the information out to the departments. The Finance Department will maintain a list of agreements on file for the benefit of the departments. Any purchase requiring a signed contract (services, construction, etc.) will be given to the Town Attorney for review and the Town Clerk for inclusion in the agenda of the Mayor and Council. Once approved, the Town Clerk will archive the contract in the official Town records.

#### 4. Professional Services

Professional services are generally not required to be competitively procured, but when determined to be in the best interest of the Town according to the Town Manager, requests for proposals may be issued for professional services. Consequently, department heads must consult with the Town Manager prior to beginning the procurement process for professional services.

A professional service is defined as any service performed by a person or firm that is registered with the Georgia Secretary of State and required to maintain a valid State of Georgia license to provide their respective service, including, but not limited to: engineering, architectural, surveying, testing and special studies, audit and accounting, insurance, financial advisor, court reporting, and legal.

Projects funded or partially funded with federal or state funds may require professional services to be procured according to procedures outlined in the funded activity. The Town is required to follow federal and state procurement procedures when funding dictates. The department receiving the funds or the grant administrator is responsible for proper procurement in relation to the contract or grant administered by the department.

## 5. Request for Proposal Procedures

### a. The requesting department is responsible for:

#### 1. Preparation of the bid document or RFP, which shall include:

- a. Place, time, and date when bid/RFP will be received, opened, and/or publicly read.
- b. Notice that bids be clearly marked with a departmental bid number on the outside of the package and submitted to the Town of Tyrone Finance Department.

#### 1. Bid numbers will be issued by the Finance Manager and will be formatted as follows:

Department Abbreviation-Year-Sequential Bid Number

Example: PW-2020-01

#### 2. Department Abbreviations are as follows:

- a. Town Hall/Admin: TH
- b. Public Works: PW
- c. Police Department: PD
- d. Court: MC
- e. Library: LY
- f. Recreation: RE

#### c. Delivery requirements (responsibility for shipping, etc.).

#### d. A comprehensive list of required specifications.

#### e. The person to contact for clarification of specifications.

#### f. Special conditions not included in specifications.

#### g. Contract conditions and terms.

#### h. Any applicable federal or state requirements in regards to Town grants or contracts.

#### i. A statement that the Town reserves the right to reject all bids.

2. Working with Finance and/or the Town Clerk to facilitate advertising the bid in the Town's legal organ, on the Town website, and on the Georgia Procurement Registry, if required.
3. Providing a copy of the bid documents to the Town Clerk for the permanent records.
4. Receipt of bids/RFPs between 8:00 a.m. and 5:00 p.m. Monday through Friday at Town Hall while the bid is open.
5. Recording the date and time bids/RFPs are received on the outside of the envelope/package submitted by the bidder.
6. Maintaining unopened bids in a secure area until bid opening on the date and time as stated in bid/RFP advertisement package.
7. Any bids received after the specified date and time in the bid advertisement will not be opened and will be rejected for consideration.

6. Preference for Georgia Products

In accordance with O.C.G.A. §36-84-1, the Town, when contracting for or purchasing supplies, materials, equipment, or agricultural products, excluding beverages for immediate consumption, shall give preference as far as may be reasonable and practical to such supplies, materials, equipment, and agricultural products as may be manufactured or produced within the State of Georgia. **Such preference will not sacrifice quality.**

7. Local Vendor Allowance

In acknowledgment that local vendors contribute to the Town tax base and promote the local economy, the Mayor and Town Council have determined that, under certain instances, such local vendors will be provided an additional concession when bidding against non-local vendors. If the local vendor's bid meets all the bid specifications and is not more than 4% greater than the lowest bid submitted by the non-local vendor, the lowest local vendor will be given the opportunity to match the lowest bid price. If that local vendor doesn't agree, then the next lowest local bidder (if applicable) will be given the same opportunity to match the low bid and so on until all local vendors have had the opportunity to match the low bid.

This will not apply to road construction and public works projects governed by Georgia Laws or to the purchase of any other goods and/or

services, for which such preference is prohibited by Georgia or F Law (for example, grant awards).

A local vendor must maintain a physical presence within Fayette County, including, but not limited to, the maintenance of 1 or more offices and the employment of 2 or more persons prior to the submission of the bid. A post office box maintained within Fayette County does not qualify as a local vendor. The vendor must also be current on property taxes and occupation taxes (for businesses located within the Town limits). Providing proof of the aforementioned requirements shall be the responsibility of the vendor upon request.

8. Cancellation or Rejection of Bid or Proposal

The Mayor and Council reserve the right to cancel any outstanding formal sealed bid or proposal prior to the opening of the bid or proposal and also reserves the right, after the bid opening, but prior to the award of a bid, to reject, in whole or in part, any bid or proposal. Any cancellation or rejection will be consistent with the procurement policies and procedures.

9. Sole Source Vendor

A sole source situation exists when there is only one vendor who can provide the product or service or a particular brand is required for compatibility or repair. Sole source procurement is permissible if a required good or service is available from only a single supplier. To determine that a sole source situation exists, research must be performed by the ~~user~~ responsible department head and proof that the vendor is truly a sole source must be provided. The documentation will be sent to the Finance Department, along with a memo from the responsible department head for record keeping purposes.

Finance will maintain sole source files containing department justification, research documentation, and manufacturer documentation.

10. Emergency Purchase

An emergency purchase is one in which a situation exists where there is a threat to health, welfare, or safety that does not allow time for normal, competitive purchasing procedures. Examples are flooding, power outages, or other natural disasters including, but not limited to, unusual inclement weather. These purchases will only be made by the Town Manager, Assistant Town Manager, or the Police Chief. All emergency purchases will require the Town Manager to approve the purchase order prior to payment by the Finance Department. Items that a department did not realize it would need to operate throughout the year cannot be deemed emergency purchases.

11. Computer Hardware and Software Purchases

Proposed purchases of computer hardware and software must be reviewed by the IT Consultant to ensure compatibility with the Town's equipment and network system, as failure to follow this policy could result in unsupported hardware and software. Requests to purchase computer hardware or software must follow the purchasing policy guidelines.

12. Town Credit Card Purchases

Normal purchasing procedures apply when using the Town's credit card. The credit card is simply a payment method. Under no circumstances shall the Town's credit card be used for personal purchases, even to be reimbursed later by the employee. Employees, appointed officials, and elected officials are permitted to use Town credit cards for travel related expenses while traveling on official Town business and training.

E. Contracts, Leases, and Change Orders

1. All contracts or agreements related to the purchase or lease of goods and services must be:

- a. Sent to the Town Attorney for review; and
- b. Placed on a Town Council agenda, once returned from legal, for consideration and approval by the Council.

2. Change Orders

Any changes that increase the total dollar amount of the original contract or makes a material change to the scope of the project must be approved by the Mayor and Council in a public meeting.

F. Disposal of Town Property

1. Overview and Procedure

Disposal of municipal real and personal property is governed by O.C.G.A. §36-37-6. Annually, or on an as needed basis, the departments will determine any equipment, materials, and other goods determined to be surplus and/or damaged. For financial record keeping and audit purposes, a list is to be maintained by the department of all assets disposed of, method of disposal, and cash received or trade-in value allowed.

Assets may be sold through public auction, formal sealed bids, or over the internet using [www.govdeals.com](http://www.govdeals.com). Per Georgia Code, the method of disposal will be advertised once in the official legal local organ of the County in which the municipality is located not less than 15 days nor more

than 60 days preceding the day of the auction, placement on GovDeals.com, or last day for receipt of proposals.

2. Classifications

- a. Scrap – Any material or item that can be used for re-melting to produce iron, steel, or its alloys.
- b. Waste – All non-metallic refuse which has a marketable value.
- c. Worn or Damaged – May be scrap or waste material or an item that can be sold or used for trade-in.
- d. Obsolete and Surplus – Any material or item that is of no use to the Town.
- e. Excess – Any item that doesn't have an essential or vital purpose for the operations of a department. The item may have value and may be utilized by another department within the Town.

***NOTE: Departments wishing to dispose of property must submit a list of the item(s) along with the suggested classification(s) and suggested method of disposal to Mayor and Council for approval prior to taking any disposal action.***

3. Methods of Disposal

- a. Sealed Bids or GovDeals.com – Used when a material or item is of insufficient quantity to justify the cost of a public auction.
- b. Public Auction – Used when there are a variety of items available in sufficient quantities to justify the cost of a public auction.
- c. Trade-In – Should only be used in situations where it is economically advantageous to do so (i.e. trade – in equivalent to market value, comparison of cash deal to cost with trade- in less fair market value, etc.).
- d. Negotiated Sales to Other Public Entities or Individuals – Available only when fair market value of item is deemed \$500 or less. Documentation must accompany item for sale estimating fair market value.

4. Additional rules apply to the sale and exchange of Town owned real property. Refer to O.C.G.A. §36-37-6.

**Town of Tyrone Code of Ethics<sup>1</sup>**

1. *Conflict of interest.* No elected official, appointed officer, or employee of the town or any agency or political entity to which this code of ethics applies shall knowingly:

(a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties;

(b) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of his judgment or action in the performance of his official duties;

(c) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is employed without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;

(d) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that any elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(e) Represent private interests in any action or proceeding against the council by which he is employed; and

(f) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he has a financial interest.

2. *Disclosure.* Any elected official, appointed officer, or employee of the consolidated government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the council. The mayor or any councilman who has a private interest in any matter pending before the council shall disclose such private interest and such disclosure shall be entered on the records of the council and he shall be entered on the records of the council and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency of political entity to which this code of ethics applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such agency or entity shall disclose such private interest to the governing body of such agency or entity.

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<sup>1</sup> Also available on Municode:

[https://library.municode.com/ga/tyrone/codes/code\\_of\\_ordinances?nodeId=SPACH\\_APXACOETPRPR](https://library.municode.com/ga/tyrone/codes/code_of_ordinances?nodeId=SPACH_APXACOETPRPR)

3. *Use of public property.* No elected official, appointed officer, or employee of the town or agency or entity to which this code of ethics applies shall use property owned by such governmental body for personal benefit, convenience, or profit except in accordance with policies promulgated by the council or the governing body of such agency or entity.

4. *Contracts voidable and rescindable.* Any violation of this code of ethics which occurs with the knowledge, express or implied, of another party to a contract or sale render said contract or sale voidable as to that party, at the option of the council.

5. *Ineligibility of elected officials.* Except where authorized by law, neither the mayor nor any councilman shall hold any other elective or appointive office in the town or otherwise be employed by said government or any agency thereof during the term for which he was elected. No former mayor and no former councilman shall hold any compensated appointive office in the city until one year after the expiration of the term for which he was elected.

6. *Political activities of certain officers and employees.* No appointive officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.

7. *Penalties for violation.* Any town officer or employee who willfully conceals such financial interest or willfully violates any of the requirements of this section shall upon conviction be guilty of malfeasance in office or position and shall be deemed to have forfeited his office or position.

## **EXHIBIT B**

*Section VI, Item 5.*

### **Public Works Construction Projects**

The Georgia Municipal Association’s “Public Works Construction Projects” document<sup>2</sup> is to be used as official guidance when preparing for such projects.

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<sup>2</sup> <https://www.gacities.com/gmasite/media/pdf/publications/publicworks.pdf>



## COUNCIL AGENDA ITEM COVER SHEET

**Meeting Type:** Council - Regular

**Meeting Date:** July 21, 2022

**Agenda Item Type:** Consent Agenda

**Staff Contact:** Brandon Perkins, Town Manager

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### STAFF REPORT

**AGENDA ITEM:**

Consideration to approve classifying miscellaneous police equipment as surplus so that it can be properly disposed of.

**BACKGROUND:**

As part of our efforts to de-clutter our storage spaces and dispose of Town property that is no longer serviceable, I recently asked Chief Mundy to inventory all PD storage spaces. A memo from the Chief is attached along with a list of items and several photos. I concur with the Chief that all of these items should be deemed surplus and either thrown away or auctioned off, as appropriate.

**FUNDING:**

None.

**STAFF RECOMMENDATION:**

Staff recommends that all items listed be deemed as surplus and properly disposed of.

**ATTACHMENTS:**

1. Memo, item list, and photos from Chief Mundy.

**PREVIOUS DISCUSSIONS:**

None.



# TYRONE POLICE DEPARTMENT

Inter-Office Communication

## MEMORANDUM

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**DATE:** July 13<sup>th</sup>, 2022  
**TO:** Brandon Perkins, Town Manager  
**CC:**  
**FROM:** Randy Mundy, Chief of Police  
**SUBJECT:** Inventory/Surplus Items

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Mr. Perkins,

On July 13<sup>th</sup>, 2022, myself, along with Major Brock and Officer Banks, began to inventory the old storage shed behind the old police department (945 Senoia Road) and the old fire department building (935 Senoia Road). The items in the old storage shed were tightly packed and are in unserviceable condition, with the dates of these items ranging from the 1980s to the early 2000s. These items consisted of: patrol push bumpers, police lights bars, police cages, police radios (mobile and portable), old VHS camera systems, car computer mounts, siren boxes, mobile printers, RADAR units, and radio chargers/mics, wires, and other miscellaneous items (see attached pictures). A rough estimate, based on the naked eye, of the quantity of some the aforementioned items are: thirteen (13) push bumpers, sixteen (16) light bars, eight (8) radios, fourteen (14) cages, and ten (10) car computer mounts. The classification of these items are considered worn/damaged.

The items in the old fire department consisted of: K9 half cage, two (2) push bumpers, one (1) gun rack, and one (1) computer mount. These items are considered obsolete/surplus and at the very least could be auctioned off (see attached pictures).

An inventory of the old police department storage room, located in the basement, was conducted prior to our move into our current building. Attached is a list of the items from that inventory. These items are to be considered obsolete/surplus, however the majority are considered worn/damaged (see attached pictures).

It is our recommendation that those items which are deemed serviceable be auctioned off and those that are deemed unserviceable be surplus and destroyed.

<u>Quantity</u>	<u>Item Description</u>	<u>Serial Number</u>	<u>Disposition</u>	<u>Date</u>
	Miscellaneous Wires/Cables/Cords/Hardware			
2	Metal Siren			
1	Motorola XTL2500 Radio Face Plate			
1	Motorola XTL2500 Radio Unit	324CJX0057		
1	Kustom Silver Eagle RADAR Unit w/ Remot Control	11785		
1	Tuning Forks	30 mph: 005708 55 mph: 005815		
2	Kustom Eagle Antennas	9676 ; 9763		
2	Strobe Lights			
1	Siren/Lights Control Box	050922-02		
1	RAM Mount			
1	"Code 3" PSE-475 Remote Strobe Power Supply Box			
2	"Code 3" Siren Box	PP0043590 PP0065413		
1	"STAR-PAK" PR996 Strobe Power Supply Box	1834		
1	Strobe Lights w/ Wires			
1	"SHO-ME" Siren Box			
2	Headrest Mobile Printer Mount			
1	Motorola MCS2000 Face Plate	MCN1116E		
1	3 Port DC Car Charge Unit w/ Wires			
1	"Carson" SC-407 Light/Siren Box w/ Microphone	3250007		
14	Microphones			
4	Antennas			
18	Leather Duty Belt			
11	Leather Magazine Holder			
12	Leather Handcuff Holder			
12	Leather Gun Holster			
7	Leather Radio Holder			
23	Leather Belt Keepers			
7	Leather Baton Holder			
2	Leather Flashlight Holder			
5	Leather OC Holder			
1	Leather Key Ring			
11	Motorla MTS2000 Portable Radio	SEE ATTACHED LIST		
1	Motorola XTS2500 Portable Radio	270CJT0944		
7	Motorola XTS5000 Portable Radio	SEE ATTACHED LIST		
8	Motorola APX6000 Portable Radio	SEE ATTACHED LIST		
29	Motorola Portable Microphones			
15	Motorola Radio Charger			
7	Impress Radio Charger			
1	Rayovac Battery			
3	Motorola MCS2000 Mobile Radio	SEE ATTACHED LIST		
6	Motorola XTL5000 Mobile Radio	SEE ATTACHED LIST		
13	Motorola State Band Radio	SEE ATTACHED LIST		
10	Radio Face Plates			
8	Motorola Speakers			
1	Car Headrest			
1	Piece of Car Console			
2	Car Pillar Handles			
1	WatchGuard Camera	CAMF-470026		
1	WatchGuard Overhead Camera Unit w/ Body Mic	DV10-139738		
1	WatchGuard Overhead Camera Unit	DV10-135568		
1	WatchGuard Body Mic			
1	Panasonic Tape Recorder w/ Microphone and Stand	WH7AE001972		
1	Motorola Radio Battery			
1	Router			
1	Laptop Battery			
1	Microsoft Office 2007 DVD			

<u>Quantity</u>	<u>Item Description</u>	<u>Serial Number</u>	<u>Disposition</u>	<u>Date</u>
2	2006 PORT DVD's			
18	Expired NARCAN			
26	Hard Drives	SEE ATTACHED LIST		
1	Netscreen Router	64032004002102		
1	Multi-Media SL-80 Computer Speakers			
1	MagiCard Rio Pro Printer	58C0228		
1	Dell Monitor	CN-0G434H-74443-89F-GJWQ		
3	Dell Desktop Towers	9WL1BZ1 CVXSH02 9WL0BZ1		
1	Logitech K120 Keyboard	1550MR0625D8		
2	Dell Keyboards	CN-0644G3-LO300-87N-0P0C-A03 CN-0RH659-73571-929-OAO1		
1	WD External Hard Drive	WCASU1140233		
1	HP Desktop Tower	2UA70101RF		
1	Ublox GPS Antenna	867672		
1	Digital Ally DVM500+ Rearview Mirror w/ Dashcam	01F4-60CE		
1	Mag-Lite Flashlight	D4013363932		
1	"My Video Partner" Stand			
1	Ni-Cd/Ni-MH Battery Charger			
1	Sony 8mm Cassette Tape			
6	Metal Target Stands			
3	AED Batteries	7955-129; 7955-063; 7955-127		
1	Genesis I RADAR Unit	G20874		
2	Genesis I RADAR Antennas	GK33854; GK33806		
1	ICOP Unit	D05B0168		
1	ICOP Dashcam	M05B0168		
2	Printek Mobile Field Pro Printers	FAA95373; FAA95374		
2	Star TSP800 Printers			
1	IBM/Lexmark Typewriter	11-CM066		
1	Camera Tripod			
2	Samsung Galaxy Cellphones	IMEI: 990007370413277; IMEI: 990007370414101		

<b><u>Item Description</u></b>	<b><u>Serial Number</u></b>
Motorola MTS2000	466AAS1139
Motorola MTS2000	466AAS1140
Motorola MTS2000	466AAS1141
Motorola MTS2000	466AAS1142
Motorola MTS2000	466AAS1144
Motorola MTS2000	466AAS1145
Motorola MTS2000	466AAS1146
Motorola MTS2000	466AAS1148
Motorola MTS2000	466AAL3811
Motorola MTS2000	466CCL1907
Motorola MTS2000	466CDY1190
Motorola XTS2500	270CJT0944
Motorola XTS5000	270CJT0939
Motorola XTS5000	721CGM3001
Motorola XTS5000	721CHP1150
Motorola XTS5000	721CFR3686
Motorola XTS5000	721CHP1149
Motorola XTS5000	721CHP111
Motorola XTS5000	721CHH0652
Motorola APX6000	481CPK2767
Motorola APX6000	481CRM1632
Motorola APX6000	481CNV0043
Motorola APX6000	481CSM1782
Motorola APX6000	481CPX2302
Motorola APX6000	481CNV0042
Motorola APX6000	481CQF2029
Motorola APX6000	481CRV7376

<b><u>Item Description</u></b>	<b><u>Serial Number</u></b>
Motorola MCS2000	722CDU1753
Motorola MCS2000	722ACL1007
Motorola MCS2000	722CEE1058
Motorola XTL5000	500CNP0367
Motorola XTL5000	500CHV0425
Motorola XTL5000	500CFX1188
Motorola XTL5000	500CNP0368
Motorola XTL5000	500CMK0079
Motorola XTL5000	500CMK0078

<b><u>Item Description</u></b>	<b><u>Serial Number</u></b>
Motorola State Band Radio	869YEA1265
Motorola State Band Radio	019TNN5479
Motorola State Band Radio	869YCQ5186
Motorola State Band Radio	428TZA2007
Motorola State Band Radio	869YEA3662
Motorola State Band Radio	103TFU6830
Motorola State Band Radio	019TNN5505
Motorola State Band Radio	922TFC8509
Motorola State Band Radio	428TXN2818
Motorola State Band Radio	922THN7321
Motorola State Band Radio	922TGY4623
Motorola State Band Radio	428ATE2431
Motorola State Band Radio	869FBL6494

<b><u>HD Brand</u></b>	<b><u>Serial Number</u></b>
Seagate	9RXGMJ2J
Seagate	5LAFQ9DW
Seagate	W0Q6YLJ5
WD	WXEY08K36879
WD	WXEY08RWJ168
WD	WXEX08UUS778
WD	WXEY08VE8074
Fujitsu	K60ZT8A2DW53
Hitachi	S0RRBDMM
Seagate	7ED0G80G
WD	WXEZ08K3A341
Hitachi	090214FB2F00LLDVN92A
Fujitsu	NN15T511W4P0
WD	WXEY08K30087
WD	WXEX08TU1616
WD	WXEX08JL0202
WD	WXJ1AB0M2314
Seagate	GD439936
Hitachi	090310FB2F06YLG M2WBC
Fujitsu	K10NT772GFP5
WD	WCAWFA708612
Toshiba	X0HITIAATKA6ECA
Toshiba	Z43EWHTDTZ12HDKCC01D2A01T
WD	WMAV33078446
WD	WMAM9DDN3376
Hitachi	S0S88APM

**LOCATION: STORAGE SHED BEHIND  
OLD POLICE DEPARTMENT**

LOCATION: STORAGE SHED BEHIND  
OLD POLICE DEPARTMENT



**LOCATION: STORAGE SHED BEHIND OLD  
POLICE DEPARTMENT**



LOCATION: STORAGE SHED  
BEHIND OLD POLICE  
DEPARTMENT

Section VI, Item 6.



LOCATION: STORAGE SHED BEHIND OLD  
POLICE DEPARTMENT



LOCATION: STORAGE SHED BEHIND OLD  
POLICE DEPARTMENT



LOCATION: STORAGE SHED BEHIND OLD POLICE  
DEPARTMENT



LOCATION: STORAGE SHED BEHIND OLD POLICE  
DEPARTMENT



LOCATION: STORAGE SHED BEHIND OLD  
POLICE DEPARTMENT

Section VI, Item 6.



LOCATION: OLD FIRE DEPARTMENT



LOCATION: OLD FIRE DEPARTMENT



# LOCATION: OLD POLICE DEPARTMENT STORAGE ROOM



LOCATION: OLD POLICE  
DEPARTMENT STORAGE ROOM



**LOCATION: OLD POLICE  
DEPARTMENT STORAGE ROOM**



LOCATION: OLD POLICE  
DEPARTMENT STORAGE ROOM





# COUNCIL ITEM AGENDA REQUEST FORM

**Department:** Community Development | Code Enforcement

**Meeting Date:** 07/21/2022

**Staff Contact:** Katherine Crouch | Phillip Trocquet

**Agenda Section:** Old Business

## Staff Report:

### Item Description:

Fee Schedule for Code Enforcement Violations

### Background/History:

It was Town Council's desire to revisit this item from its original presentation on June 16<sup>th</sup>, 2022 in order to have more background information on each code enforcement violation and its associated provisions in the ordinance.

A fee schedule is needed to ensure that code violations are fined consistently across the board. Ordinance sections will refer to this document instead of listing specific fees.

### Findings/Current Activity:

There was some discussion at the previous meeting regarding the need for and discomfort with certain ordinances. Staff will defer to Council's discretion on the bolstering or elimination of certain violations if desired. It is recommended that these ordinances be specifically listed by council, so that staff can prepare text amendments to this effect.

**Is this a budgeted item?** \_\_\_\_ **If so, include budget line number:** \_\_\_\_\_

### Actions/Options/Recommendations:

Staff recommends the adoption of the fee schedule as presented. If certain violations are eliminated or altered in the future, staff will update the fee schedule accordingly for approval after such text amendments to the ordinance are made.

## Sec. 4-1. Definitions.

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

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

*Alcoholic beverage* means all alcohol, distilled spirits, beer, spirituous liquors, malt beverage, wine, or fortified wine as defined in this section.

*Brown bag establishment* means any restaurant, private club or other establishment providing food or entertainment in the normal course of business, and in which the owners or their agents knowingly allow patrons to bring in and consume the patrons' own alcoholic beverages.

*Brown bagging* means the act of patrons entering any restaurant, private club, or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patrons' own alcoholic beverage.

*Close corporation* means a domestic corporation that does not:

- (1) Have more than five stockholders;
- (2) Have a corporation as a shareholder; or
- (3) Have more than one class of stock.

*Distilled spirits* or *spiritous liquors* means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume including, but not limited to, all fortified wines, whiskey, rum, gin, brandy, vodka, tequila and all other alcoholic beverages of a similar nature and with similar alcoholic content.

*Family* means includes any person related to the holder of a license within the first degree of consanguinity or affinity as computed according to civil law.

*Fortified wine* means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.

*Hotel* means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential. To meet the definition of "hotel" under this chapter, the facility must have 50 or more rooms used for sleeping accommodations of such guests and one or more public dining rooms, with an adequate and sanitary kitchen and a seating capacity of at least 25 persons, where meals are regularly served to such guests. As used in this section, the term "seating" shall mean that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. All sleeping accommodations and dining rooms must be conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a restaurant in their premises, and the holder of such franchise shall be eligible for a license under the "hotel" classification. At least 55 percent of the receipts of the dining room or rooms shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring in the dining room, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called in the dining room from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this section, the calculations of receipts for alcoholic beverages shall be made pursuant to the

scheduling of pricing and the regulations contained therein as required by section 4-147. Receipts for room rentals shall not be included in the calculations.

*Individual* means a natural person.

*Interest in license* means an individual is deemed to have an interest in a license if:

- (1) He is the owner of the license.
- (2) He is the co-owner of the license.
- (3) He is a partner in any partnership that owns an interest in a license.
- (4) He is a stockholder holding more than five percent of the stock in any corporation and or is a stockholder in any corporation that has fewer than 25 stockholders, which owns an interest in a license.
- (5) He shares in any income or corpus of any trust fund having any interest in a license to sell at retail.

*License representative.* If a license representative is required, the license representative shall be a resident of the State of Georgia and a manager of the business who is on the premises on a regular basis.

*Lounge/bar* means a separate room connected with, a part of, and adjacent to, a restaurant or a room located in hotels as defined herein, and which serves no food. A lounge/bar shall not be permitted to sell or serve alcoholic beverages.

*Malt beverage.*

- (1) The term "malt beverage" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume, and including, but not limited to, ale, porter, brown, stout, lager beer, malt liquor, small beer and strong beer.
- (2) The term "malt beverage" does not include sake, known as Japanese rice wine.

*Meal or regular meal.*

- (1) The term "meal" or "regular meal" means a meal which is prepared on the premises according to the order of the patron or customer given to a waiter or waitress at the table, booth or counter area where the customer is seated and served by the waiter or waitress at said table, booth or counter area.
- (2) The term "meal" or "regular meal" does not include food served in a specialty shop; nor food served over the counter; nor "short order meals" such as sandwiches, hot dogs or hamburgers; nor prepackaged, individual meals.

*Minor* means any person under the age of 21 years.

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

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

*Premises/outlet* means a definite enclosed area or other outside area with controlled ingress and egress wherein spirituous liquors, alcoholic beverages, malt beverages, or wine is sold and consumed, or sold therein by the package to be consumed elsewhere.

*Private club.*

- (1) The term "private club" means any nonprofit association organized under the laws of the state which:

- a. Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
  - b. Has at least 75 regular dues-paying members;
  - c. Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
    1. Has suitable kitchen and dining room space and equipment; and
    2. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
  - d. Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.
- (2) A private club organized or operated primarily for the selling or serving of alcoholic beverages by the drink shall not be licensed under this chapter, nor permitted to sell or serve such beverages at all. All distance requirements as set forth in this chapter shall apply.

*Private residence* means a house, dwelling or structure wherein not less than one, nor more than two families reside and shall not include a mobile home court, an apartment house having facilities for housing more than two families, nor a boardinghouse or roominghouse where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for business shall not be construed as a private residence.

*Restaurant* means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, but not including short order or quick or fast food shops, such place being provided with adequate and sanitary kitchen and dining room seating of at least 25 persons, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. Meals shall be served at least six days a week, with the exception of weeks including holidays, vacations and periods of renovation, and the serving of such meals shall be the principal business conducted, with the serving of distilled spirits, malt beverages and wines to be consumed on the premises as only incidental thereto. As used in this definition, the term "seating" means that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. As used in this definition, the term "principal business" shall mean that at least 55 percent of the receipts of such business shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring on the premises, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called to the premises from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this definition, the calculations of receipts for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by section 4-147.

*Retail consumption dealer* means any person who sells alcoholic beverages for consumption on the premises at retail.

*Retail package dealer* means any person who sells malt beverages and/or wine in unbroken packages for consumption off the premises at retail. Such sales must be in connection with sales of other products.

*Sales by the drink* means any person who sells distilled spirits, malt beverages and/or wine for consumption on the premises at retail only to consumers and not for resale.

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

*Wine* means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, grapes, or other natural products either by natural fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, sake, natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Code 1984, § 2-8-2; Ord. No. 2013-06, § 1, 3-7-2013; Ord. No. 2020-02, § 1, 5-21-2020)

State law reference(s)—Similar provisions, O.C.G.A. § 3-1-2.

## **Sec. 6-1. Definitions.**

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

*Abandoned animal* means any domesticated animal that has been placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned, when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where said animal may be found or kept.

*Animal at large* means any animal not under restraint and off the property of its owner.

*Animal under restraint* means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal; or the animal confined within a vehicle, parked or in motion.

*Companion animal* means a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, hamsters, horses, mice, reptiles, domesticated wild animals, exotic animals, and other animals associated with man's environment.

*Domesticated animals* means animals that are accustomed to live in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned herein and is only applicable to this chapter and in no way affects the meaning or application of a definition of the described animal as may be found in any other town ordinance.

*Guard dog* means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

*Owner* means any person having the right of property of, keeping, harboring, or acting as custodian of a domesticated animal.

*Public nuisance* means any animal which:

- (1) Is found at large or abandoned;
- (2) Is a vicious animal/fowl as hereinafter defined;
- (3) Produces, because of quantity, manner or method in which the animals are domesticated or maintained unsanitary conditions in the town;
- (4) Attacks passersby or passing vehicles;

- (5) Is inimical to the public health, welfare, or safety according to the rules and regulations promulgated by the county health department, whose rules and regulations are incorporated herein and made a part hereof as if fully set out in this chapter, is hereby declared to be a public nuisance and any person that knowingly keeps, owns, harbors, or acts as custodian of an animal constituting said nuisance shall be guilty of an unlawful act and shall be punishable as hereinafter provided.

*Vicious animal/fowl* means any animal/fowl which attacks, bites or injures humans, other animals or fowl without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation; or an animal/fowl which has on one or more occasions caused injury to other living creatures without provocation; or any animal which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of such severity as to cause physical injury. An animal/fowl is not considered vicious if it attacks, bites or menaces:

- (1) Anyone attacking the owner;
- (2) Unlawful trespassers on the property of the owner;
- (3) Any person or animal that has tormented or abused it;
- (4) In defense of its young or another animal; or
- (5) Another animal/fowl while accompanying a person who is hunting and while acting in conformity with generally accepted and otherwise lawful hunting practices.

(Code 1984, § 9-3-1; Ord. No. 51, 11-20-1980; Ord. No. 154, 11-17-1988)

## **Sec. 26-23. Definition.**

The following conditions may be declared to be nuisances:

- (1) Stagnant water on premises;
- (2) Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises, which is odorous or capable of causing disease or annoyance to the inhabitants of the town;
- (3) The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the town;
- (4) The pollution of public water;
- (5) Obstruction of a public street, highway or sidewalk without a permit;
- (6) Loud or unusual noises which are detrimental or annoying to the public, including without limitation, unusual loud disturbances in or around churches or multiple family complexes such as loud music and other activities in swimming pool and clubhouse areas;
- (7) All walls, trees and buildings that may endanger persons or property;
- (8) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;
- (9) Unused iceboxes, refrigerators and the like, unless the doors, latches or locks thereof are removed;
- (10) Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the town; and
- (11) Any other condition constituting a nuisance under state law.

(Code 1984, § 9-2-1)

## Sec. 32-1. Definitions.

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

*Brush* means other vegetation detached from the land resulting from land clearing operations, routine maintenance or other causes that is not included in the definition of garden trash.

*Construction site* means any residential, commercial, industrial, or other area, lot, or site which construction or demolition of any type is conducted including roads at buildings, and at all other places actively being constructed, demolished, renovated, or repaired.

*Construction waste* means solid waste that is produced or generated during construction, demolition, remodeling, or repair or pavements, houses, commercial buildings and other structures.

*Discard* means to abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

*Discard material* means a material that is abandoned, disposed of, burned, incinerated, accumulated, stored or treated before or instead of being abandoned, disposed of, burned or incinerated.

*Dispose* means to discharge, deposit, inject, dump, spill, leak or placement of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

*Garbage* means refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever that is subject to decay, putrefaction and the generating of noxious gases or odors, or which during or after decay may serve as breeding or feeding materials for flies or other germ carrying insects; and any bottles, cans, boxes, cartons or other containers.

*Garden trash* means accumulations of grass, leaves, needles or shrubby cuttings, tree cuttings and tree limbs or other rubbish attending the care of land.

*Litter* means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description that are not "waste" as such term is defined in O.C.G.A. § 16-7-51(6).

*Public or private property* means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

*Receptacle* means a container that is specifically designed, constructed, and placed for use as a depository for litter or solid waste.

*Refuse* means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

*Rubbish* means accumulations of paper, packing materials, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage as herein defined which are usual to housekeeping and to the operations of stores, offices, commercial or industrial enterprises or other business places, and materials such as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes and wrecked or abandoned automobiles, and building material and rubble resulting from the construction or alteration of structures or parts of structures, including but not limited to cement blocks, lumber,

drywall or sheet rock, stumps and any abandoned appliances, including but not limited to washers, dryers, refrigerators and stoves and other such materials or refuse.

*Sanitary waste or domestic waste* means water borne, human or animal excreta or body wastes and normal culinary, laundry, and washing wastes.

*Solid waste* means any garbage, refuse, rubbish, trash or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

(Code 1984, § 4-2-2)

## **Sec. 111-1. Definitions.**

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the town shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in article III of this chapter.

*Animated sign* means any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene. (Prohibited)

*Awning/canopy sign* means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (Prohibited)

*Banner* means any sign of lightweight fabric or similar material that is intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Banners can be either a freestanding sign or a wall sign.

*Beacon* means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. (Prohibited)

*Bench sign* means any sign painted on or otherwise attached to a bench or other seat placed on or off a public right-of-way or meant to be seen by the public. (Prohibited)

*Billboard* means a freestanding sign larger than 60 square feet used for the display of posters or printed or painted advertising matter. (Prohibited)

*Canopy/awning sign.* See *Awning/canopy sign*.

*Changeable copysign* means a sign on which the message changes more than eight times per day. (Prohibited)

*Drive-through sign* means a wall or freestanding sign at a drive-through facility.

*Flag* means any fabric or bunting containing distinctive colors, patterns, or symbols.

*Flashing sign* means a sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects. (Prohibited)

*Freestanding sign* means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

*Grade*, for the purpose of measuring sign height, means the natural ground level at a sign's proposed location unless such ground level is lower than the centerline of the adjoining street in which case height shall be measured from the centerline elevation of the adjoining street. (See section 111-79.)

*Illuminated sign, external*, means a sign illuminated by an external light source directed primarily toward such sign. Such source cannot be a device that changes color, flashes, or alternates.

*Illuminated sign, internal*, means a sign illuminated by an internal light source. (Prohibited)

*Kiosk* means a small, freestanding structure requiring a building permit which may have more than two surfaces. (Prohibited)

*Lot* means a parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

*Marquee or marquee sign* means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. Any sign attached to, in any manner, or made a part of a marquee.

*Moving sign* means a sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts. (Prohibited)

*Mural* means a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, or depicting a scene or event of natural, social, cultural, or historic significance. (Prohibited)

*Nonresidential zoning district*. The following are considered nonresidential zoning districts within this chapter: O-I, E-I, M-1, M-2, C-1, C-2, C-3, PUD, and LUC.

*Out-of-store marketing device* means any device upon which a sign is placed which is intended to display messages outside of a primary building on a site zoned for commercial uses. Examples of out-of-store marketing devices include fuel pumps, menu boards, bank ATM units, newspaper racks, drink machines, ice boxes, and phone booths.

*Pennant or streamer* means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. (Prohibited)

*Permanent sign* means any sign which, when installed, is intended for permanent use. Each lot shall be allowed only one permanent freestanding sign of a type and construction as to not be easily or readily removed from the lot on which it has been erected.

*Permit* means a sign permit reviewed, approved, and issued by the Town of Tyrone.

*Portable sign* means any sign which is designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A- or T-frame sign. Sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles which prevent the vehicle being used in its intended purpose and that are legible from the public right-of-way are also considered portable signs. (Prohibited)

*Principal building* means the building in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

*Public sign* means:

- (1) Any sign erected for the benefit of the public by a governmental entity for informational purposes including, but not limited to, identifying or providing direction to public telephones, restrooms, locating hazardous or dangerous areas, conditions, events, or identifying the location of underground utility facilities;
- (2) A sign erected by a governmental agency to denote the name of any thoroughfare; to point out the route to any town, educational institution, public building, historic place, hospital, or other use, facility,

or attraction; to direct and regulate traffic; and to denote any railroad crossing, bridge or other transportation facility for the convenience and safety of the general public.

*Residential zoning district.* The following are considered residential zoning districts within this chapter: AR, CR-1, CR-2, CR-3, R-52, R-50, R-48, R-46, R-44, R-42, DR-15, MPH, TR, and RMF.

*Roof sign* means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. (Prohibited)

*Seasonal display* means any item displayed for the purpose of celebrating a specified cultural, or religious event (e.g., Christmas, Easter, Thanksgiving, July 4th, New Year's, Hanukkah, Kwanzaa).

*Sidewalk, sandwich, or A-frame sign* means a sign which is normally in the shape of an "A" or some variation thereof and which is usually two-sided.

*Sign* means any device, fixture, placard, or structure affixed to, or suspended by, a stationary object, building, or the ground that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

*Suspended sign* means any sign used in a multi-tenant building which is suspended from any part of the building.

*Temporary sign* means any sign that is used temporarily and is not permanently mounted.

*Town manager* means the person, officer or official whom the mayor and council has designated for the enforcement of this chapter, or his designee.

*Wall sign* means any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building, and which displays only one sign surface. No wall sign shall extend more than six inches from any wall, building, or structure.

*Window sign* means any sign, picture, symbol, or combination thereof, that is placed within ten feet inside a window or upon the window panes or glass either inside or outside the building, and is visible and legible from the exterior of the structure.

(Ord. No. 2009-006, § 1(6-6-3), 5-21-2009)

## **Sec. 113-2. Definitions.**

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

*Accessory use.* A use customarily incidental and subordinate to the principal use or building located on the same lot with such principal use or building.

*Artist.* A person who engages in the creation of products primarily by hand by persons trained in an artistic skill, e.g. ceramics, pottery, blown glass, sculpture, or hand-crafted furniture.

*Adult business.* A commercial establishment where an adult service is provided to patrons in the regular course of business and as one of the substantial business purposes of the establishment.

*Adult day care services.* The provision of an organized program of services, protective in nature, for adults which are offered for less than 24 hours per day including supervision, provision of meals, self-care, social and recreational indoor and outdoor activities, and assistance with medications.

*Adult service.* A dance, performance or other activity, including but not limited to, service of food or beverages, modeling, posing, wrestling, singing, reading, talking, or listening conducted for any consideration in an

adult business by a person who exposes one or more specified anatomical areas or performs a specified sexual activity during all or part of the time that the person is providing the service.

*Amusement park or arcade.* An amusement enterprise offering entertainment to the general public in the form of rides and/or games of skill in the form of game machines, instruments, or an apparatus operated by coin, slug, token or similar medium. The activity may be indoors or outdoors.

*Antenna.* Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

*Auction house/yard.* A structure or enclosure where goods or livestock are sold by auction.

*Automobile.* Every vehicle, excluding motorcycles, designed for carrying ten passengers or less and designed and used for the transportation of persons.

*Automobile impoundment yard/tow service and wrecking facilities.* A parcel of land or a building that is used for the storage of wrecked motor vehicles which are kept for a period of time not exceeding 45 days, and the dismantling or disassembly of damaged or wrecked vehicles.

*Automobile repair.* Buildings and land where repairs, including painting and body repair, are made on automobiles.

*Automobile sales.* Buildings and land used for the retail sale of automobiles. Repairs may occur at any establishment involved in retail sales, storage of inventory or replacement parts and services including mechanical and body repair or restoration.

*Automobile service station.* An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, windshield wiper blade replacements, lubrication and minor repairs may also be provided if incidental to such principal use.

*Automotive convenience and gas station.* Structures designed for the sale of motor fuels and groceries. This establishment may include an automatic car wash but cannot engage in the business of automotive repair.

*Basement.* An area below the first floor level in a building and having not more than one-half of its clear floor-to-ceiling height above grade. A basement shall not be counted as a story.

*Bed and Breakfast inn (B&B).* A private owner-occupied residence with one to three guestrooms. The B&B is subordinate and incidental to the main residential use of the building.

*Buffer.* A portion of a lot set aside to provide a visual separation from abutting tracts, uses, or streams through the use of natural vegetation or other means including replanting, or the provision of supplemental plantings or other visual screening elements or noise attenuation devices. Buffers are not included in setbacks.

*Buildable area.* That area of a tract or parcel of land excluding all floodplains, wetlands, bodies of water, required buffers, easements, street right-of-ways and/or other encumbrances.

*Building.* Any enclosed structure with a permanent foundation and having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal, process, equipment, good or property of any kind.

*Building height.* The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. See also tower height.

*Building materials establishments.* A business engaged in selling primarily lumber or lumber and a general line of building materials to the public. While these establishments may also sell to contractors, they are known as retail in the trade. General building materials include: doors; windows; electrical supplies; flooring; paint; glass; wallpaper; wall covering; plumbing supplies (retail); and tile.

**Building setback line.** The minimum distance allowed between the street right-of-way line and the principal building or structure on a lot or any projection thereof, except the projections of unenclosed porches, steps, eaves, gutters and similar fixtures as permitted by this section.

**Business vehicle.** Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.

**Campground.** An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

**Care home.** A state-licensed convalescent center, assisted living facility, memory care facility, or similar use established to render long-term domiciliary care to individuals of retirement status no longer able to live independently. This shall not include facilities for the care of mental patients, epileptics, alcohol/drug use patients, or nursing homes.

**Child caring institution.** Any institution, society, agency, or facility which either primarily or incidentally provides full-time care for children under 17 years of age outside of their own homes, subject to such exceptions such as may be provided in rules and regulations of the state board of human resources. For purposes of these rules, a child caring institution means any institution, society, agency or facility that provides care to six or more children.

**Club, lodge or social building.** All associations of civic, social, cultural, religious, fraternal, literary, political, and recreational or like activities operated for the benefit of the members and not open to the general public.

**Commercial motor vehicle.** Any vehicle with a gross vehicular weight greater than 10,000 pounds or with a minimum width of 80 inches and a maximum length of 196 inches. Construction or other similar vehicles or equipment not designed and intended for passenger use or for on-the-road hauling shall be deemed commercial motor vehicles.

**Commercial motor vehicle repair.** Buildings and land where repairs, including painting and body repair, are made on commercial motor vehicles.

**Commercial motor vehicles sales.** Buildings and land used for the retail sale of commercial motor vehicle sales, including boats and recreational vehicles. Repairs may occur at any establishment involved in retail sales, storage of inventory or replacements parts and services including mechanical and body repair or restoration.

**Community living arrangement.** Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the department of human resources, division of mental health, developmental disabilities, and addictive diseases. A community living arrangement is also referred to as a "residence".

**Construction vehicle.** Any heavy-duty vehicle designed for executing construction tasks, including but not limited to backhoes, bulldozers, front loaders, excavators, graders, cranes, dump trucks, and similar vehicles.

**County.** Fayette County, Georgia.

**Day care—Child care learning center.** Any center operated by a person, society, agency, corporation, institution, or group that receives pay for group care, children remain less than 24 hours per day and provides care for 19 or more children, under 18 years of age, and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

**Day care—Family home.** A private residence operated by any person who receives pay for supervision less than 24 hours per day, without transfer of legal custody, of at least three but not more than six children under 18 years of age who are not related to such person and whose parents or guardians are not residents of the same private residence.

*Day care—Group.* A center operated by any person, partnership, association, or corporation that receives pay for group care, operates less than 24 hours per day and provides care for seven to 18 children, under 18 years of age, and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

*Day spa.* A nurturing, safe, clean commercial establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Massage treatments may include body packs and wraps, exfoliation, cellulite and waxing, aromatherapy, cleansing facials, medical facials, and nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instructions may be provided in addition to the massage and therapeutic treatment services. Full-service hair, make-up consultation and application and manicure and pedicure services may be provided as additional services.

*Density.* As used in residential categories of the comprehensive land use plan for the Town of Tyrone, means the number of dwelling units permitted per acre or other specified area of land. For the purpose of this definition street rights-of-way shall not be included in density calculations.

*Drive-in.* A retail or service enterprise where service is provided to the customer on the outside of the principal building.

*Dwelling.* A building or part of a building designed for occupancy by one family for residential purposes as a single housekeeping unit.

*Dwelling, single-family.* A detached dwelling designed for and containing one dwelling unit.

*Dwelling, two-family or duplex.* A dwelling designed for and containing two dwelling units totally separated from each other.

*Dwelling, multi-family.* A dwelling designed for three or more dwelling units totally separated from each other.

*Dwelling, townhouse.* One of a series of three or more attached dwelling units which has ground floor access and is separated from the others by wall partitions extending at least from the lowest floor level to the roof.

*Dwelling unit.* A house or other structure or portion of any building or structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping and sanitation.

*Exterior storage.* The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair not in an enclosed building.

*FAA.* The Federal Aviation Administration.

*Family.* One or more persons occupying a single dwelling unit provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

*Farm operations.* Farming operations related to livestock-raising, provided all structures permitted under this category are related to the farming operations.

*Farmers' market.* Seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

*FCC.* The Federal Communications Commission.

*FEMA.* The Federal Emergency Management Agency.

*Floor area, accessory structure.* The sum of the horizontal areas of the several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.

*Floor area, principal structure.* The area of a dwelling exclusive of unheated attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling.

*Frontage lot.* A lot for which one of the principal boundary lines as described on the deed is coincident with a street right-of-way line.

*Group home.* A facility or dwelling unit housing two or more individuals who are not related to the owner by blood or marriage and operating as a single family-like housekeeping unit, including but not limited to homes for orphans, foster children, the elderly, and battered children and women.

*Hardware store.* Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

*Health club.* A place or building where active exercise and related activities are performed utilizing weight control or muscle-building equipment or apparatus for the purpose of physical fitness.

*Height.* See building height; tower height.

*Home occupation.* An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

*Hospital.* Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium, with an approved certificate of need (CON) from the state health planning agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

*Hotel.* A building in which overnight accommodations are provided to the public. The term "hotel" includes the terms "motel" and "tourist court".

*Independent living facility.* A facility containing units which is part of a lifecare community and includes complete facilities for independent living, including cooking and sanitary facilities. The occupants are presumed to be able to function independently of the support facilities of the lifecare community.

*Indoor pet boarding.* Any facility where pet animals owned by another person are temporarily boarded indoors for pay, trade, barter, commission or remuneration of any sort; however, this definition shall not apply to animal hospitals and veterinary clinics operated by veterinarians duly licensed under law.

*Indoor sports facility.* An indoor facility accommodating a variety of individual, organized, or franchised sports, including wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, arcade, and other support facilities.

*Intermediate care home.* A facility which admits residents on a medical referral; it maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies, and it otherwise complies with these rules and regulations.

*Junk or salvage yard.* Property used for outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house-wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

*Kennel.* Any location boarding, caring for and keeping more than a total of four dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) or any location

boarding, caring for and keeping more than a total of ten chickens. The definition for kennel herein shall not include those facilities that satisfy the definition for indoor pet boarding and which are located on property zoned under the town's downtown commercial (C-1) or highway commercial (C-2) zoning classifications.

*Landfill.* Disposal sites where solid wastes, other than recyclable wastes or hazardous wastes, are disposed of on land by placing an earth cover thereon.

*Livestock.* Animals including, but not limited to: horses, cattle, goats, sheep, pigs, potbellied pigs, roosters, ducks, geese, mules, emu/ostrich, buffalo, and llamas. This term shall be deemed to specifically exclude domestic dogs and domestic cats, as well as chickens (other than roosters) and normally domesticated small animals such as rabbits, hamsters, and guinea pigs.

*Lot, corner.* A lot located at the intersection of two streets.

*Lot coverage.* The percentage of a lot which may be covered with buildings or structures, excluding walks, drives, other similar uses, and recreation facilities which are accessory to a permitted use.

*Lot of record.* A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the clerk of the superior court of the county; or a parcel of land, consistent with the town's ordinances and regulations at the time of conveyance, conveyed by deed recorded in the office of the clerk of the superior court of the county.

*Lot, parcel.* A tract of land legally transferable as a single unit of land.

*Lot, through.* A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

*Lot width.* The distance from one side lot line to the other side lot line measured at the minimum building setback line.

*Manufactured housing.* Manufactured housing means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on a site, it is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

*Manufactured home lot.* A parcel of land in a mobile home park for the placement of a single mobile home and for the exclusive use of its occupants.

*Manufactured home park.* A parcel of land which has been planned and improved for the placement of mobile homes for nontransient use.

*Motel.* See hotel.

*Neighborhood recreation center or swimming pool (residential zoning districts).* A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with the development and are usually located within or adjacent to such development.

*Nonconformance.* A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of the ordinance from which this section derives, or as the result of subsequent amendments.

*Nursing home.* A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care and rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for

any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; it otherwise complies with these rules and regulations.

*Open space.* That portion of a lot, including yards, established pursuant to the requirements of this section as open space, which is open and unobstructed from its lower level to the sky, with the exception of natural foliage, flower garden or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not part of the roof of any portion of any building.

*Parks.* A natural or landscaped area, with or without buildings or structures, to meet the active or passive recreational needs of people.

*Personal care home.* Any dwelling, whether operated for profit or not, which undertakes through its ownership and management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more individuals who are not related to the owner by blood or marriage.

*Public use.* Administrative and cultural buildings, uses and structures, including lots and facilities owned, used or operated by a governmental agency.

*Recreation vehicle.* A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping trailers and travel trailers in addition to self-propelled vehicles and shall not exceed eight and one-half feet in width and 45 feet in length.

*Religious institution.* A building used for public worship including temples, synagogues and related Sunday school or church school facilities.

*Setback.* The area as designated by this section in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.

*Self-storage facility.* A building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares.

*Sewer system, central sanitary.* Collection of sanitary sewage via a pipe network and its transportation to a common collection point with treatment to required Georgia Department of Natural Resources criteria prior to release.

*Sewer system, community sanitary.* A sanitary sewer system provided for the collection of sanitary sewage for a platted subdivision of not less than 30 lots via a pipe network with transportation to a common collection point for on-site treatment.

*Small engine sales and repair.* The sale and repair of lawnmowers, motorized lawn equipment, motorized hand-carried tools, motorcycles, and motor scooters.

*Special trade contractor.* A person or establishment that specializes in a specific aspect of construction, such as carpentry, electrical, painting, plumbing, flooring, roofing or tile.

*Specified anatomical areas.* Specified anatomical areas shall include any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast before a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities.* Specified sexual activities shall include any of the following:

- (1) Human genitals in a discernible state of sexual stimulation or arousal;
- (2) Actual or simulated sexual intercourse, masturbation, oral copulation, flagellation, bestiality, fondling, or sodomy;

- (3) Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock, or female breasts; or
- (4) Any combination of the foregoing.

*State.* The State of Georgia.

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

*Street, private.* Any right-of-way or area set aside to provide vehicular access within a development which is not dedicated or intended to be dedicated to the town, and which is not maintained by the town.

*Street, public.* All streets other than private streets.

*Structure.* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to permanently mounted signs, tennis courts, swimming pools and buildings, but does not include walls or fences.

*Subdivision.* All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose (whether immediate or future) of sale, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether public or private) or a change in an existing street, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this section; and
- (2) The division of land into parcels of five acres or more where no new street is involved.

*Tower, tower facilities.* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures. Facilities shall also include all accessory buildings excluding tower anchors.

*Tower height.* When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. See also building height.

*Town.* The Town of Tyrone, Georgia.

*Vehicle, abandoned.* A vehicle which is wrecked, dismantled, partially dismantled, discarded, is in an unhealthy condition, does not bear a current license plate with an appropriate decal affixed thereto or is incapable of being moved under its own power, unless said vehicle is stored within a completely enclosed building.

*Yard.* A required open space on a lot that is left unoccupied with structures and facilities, except as permitted herein.

*Yard, front.* The area between a property line adjacent to a thoroughfare and the building line, extending the full width of the lot.

*Yard, rear.* The area between the rear property line and the rear building line, extending the full width of the lot.

*Yard, side.* The area between the side property line and the side building line, extending from the front yard to the rear yard.

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(Revised June 6, 2013; October 3, 2013; April 2, 2015; Ord. No. 2018-07, § 1, 5-17-2018; Ord. No. 2020-06 , § 1, 9-17-2020)

Code Section	Title	Proposed Amount
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6.3	Animals	175
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22.287	Soliciting without Permit	175
26.1	Junked Items	200
26.2	Junk Vehicles	200
26.67	Attractive Nuisance	200
28.21	Damaging Public Property	500
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28.74	Disorderly Conduct	500
28.75	Public Drunkenness	500
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32.17	Litter Receptacles at Places Frequented by the Public	200
32.7	Tall Grass	200
32.8	Cleanliness of Premises	200
32.9	Dumping and Littering Prohibited	200
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38.57	Waste Disposal	200
105.120	Tree Violation	400
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111.124	Residential Freestanding Signs	100
111.157	Freestanding Signs (Non-Residential)	100
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111.5	Prohibited Signs and Devices	100
111.5.9	Sign (obscene)	500
111.77	Signs in Right of Way	145
113.163	Recreational Vehicle Parking	175
113.164	Screening Violation	100
113.166	Exterior Storage (non-residential)	200
113.211	Parking in Restricted Area	175
113.190.26	Day Care Services Violation	145
113.190.34	Storage	200

Code Section	Title	Ordinance Language	Proposed Amount
4.4	Alcohol License Not Paid	It shall be unlawful for any person to sell at retail or otherwise within the town, possess, conceal, store or convey any wine, malt beverage, distilled spirits or other alcoholic beverages on which any tax or license fee imposed by the laws of the state or this chapter have not been paid, and any such beverages as above described that are found without a state tax stamp shall be seized as contraband and immediately delivered to the state revenue commissioner as provided by law. Any violation of this section shall be punished as provided for in section 1-7.	200
6.3	Animals	It shall be unlawful for any owner or person in control of any domestic animal to allow that animal to run at large within the town.	175
6.4	Livestock Violation	(a)For the purposes of this section, the term "livestock" is defined in the same way that said term is defined in the town's zoning ordinance.(b)The keeping of livestock shall be permitted in the town only on property zoned to the town's A-R agricultural residential zoning district. Furthermore, any such keeping of livestock must satisfy any conditions of zoning for said use provided by the town's zoning ordinance. The keeping of livestock in any manner not consistent with this subsection shall be declared a nuisance.(c)Notwithstanding the foregoing, the keeping of livestock shall be specifically declared a nuisance if the following conditions are not satisfied:(1)Any housing or enclosures used by such livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary.(2)Animal excrement shall be disposed of in a manner approved by the county health official.(d)No person shall create, maintain, support, aid, or continue a nuisance by failing to satisfy the requirements of subsections (b) and (c) above.	75
14.26	Open Burning Violation	g.Penalty. Persons violating this article shall be subject to a fine not to exceed \$1,000.00 per violation.	145
22.126	Occupational Tax	(a)The amount of occupational tax shall be payable to the town, at the office of the town manager, on or before January 1 of each year and delinquent if not paid on or before February 1 of each year. In the event that any person commences business on any date after January 1, the tax shall be due and payable upon the commencement of the business and shall become delinquent if not paid within 30 days of the commencement of the business. If the tax remains delinquent for 90 days from the due date described above, the person or business liable for the tax shall pay a penalty of ten percent of the initial fee with an additional 1.5 percent for each month until paid.(b)In the event that any person commences business on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be 50 percent of the tax imposed for the entire year, except that:(1)The administrative fee described in section 22-122 shall not be reduced; and(2)A practitioner of a profession or occupation who elects as his or her occupation the tax the amount described in subsection 22-123(2) shall receive no reduction in such amount.(c)The tax registration herein provided for shall be issued by the town manager or designee. If any person, firm or corporation whose duty it is to obtain registration, after said offer to transact business in the town any kind of profession, trade or calling in this article specified without having first obtained said registration, such offender shall, upon conviction, be guilty of an offense. Notwithstanding the criminal provisions contained herein, such criminal provisions shall not apply to those professions for which a state license or registration is required by state law, unless otherwise specifically allowed for by state law.	200
22.287	Soliciting without Permit	It shall be unlawful for any person to peddle, canvass or solicit or occupy a temporary location as a transient or itinerant merchant without having registered with the town clerk in accordance with <a href="#">section 22-285</a> and this section or to peddle, solicit or canvass without wearing the identification badge in accordance with this section. Any person violating this article shall be punished as provided in <a href="#">section 1-7</a> .	175
26.1	Junked Items	(a)It shall be unlawful for the owner, tenant, lessee, occupant or person in possession of any lot or parcel of land in the town, to keep or permit to be kept or stored on said land any abandoned, wrecked, junked, dismantled or inoperative furniture, appliance, machinery or equipment or parts of same, which are not completely enclosed within a building.(b)For purposes of this section, the term "abandoned, junked or inoperative furniture, appliances, machinery or equipment" shall be items incapable of and not being used for the purpose for which they were intended.(c)Any items covered by this section which are in the process of being repaired or restored may be kept on the property provided they are covered or otherwise effectively screened and provided that there are no more than five such items being repaired or restored on the property at any one time.(d)Should any person fail to comply with this section upon five days' written notice from the town clerk, said person shall be charged as for the violation of any other town ordinance. Each day shall be deemed a separate offense, and upon conviction, he shall be punished as provided by <a href="#">section 1-7</a> .	200
26.2	Junked Vehicles	(a)It shall be unlawful for the owner, tenant, lessee, occupant or person in possession of any lot or parcel in the town to keep or permit to be kept or stored on said land any abandoned, wrecked, junked, dismantled or inoperative motor vehicle which is not completely enclosed within a building.(b)For purposes of this section, an "abandoned or junked motor vehicle" is defined as one that is in such a state of disrepair as to be incapable of operating under its own power, or which does not have a current license plate or tag.(c)Any such vehicle covered by this section which is in the process of being repaired and/or restored and is on property zoned as residential (R), may be kept on the property, exterior to a residential garage for a period of 90 days, provided it is covered with an opaque motor vehicle tarpaulin, and/or otherwise effectively screened from view from adjoining, and/or abutting streets and properties; and further provided that there are no more than two such vehicles being repaired and/or restored on the property at any time.(d)Any violation of this section and/or request to investigate possible violations may be reported to the proper authority by the following:(1)Any person having attained the age of majority and residing within the corporate limits of the town;(2)Any police officer employed by the town; or(3)The building inspector for the town.(e)After ten days' legal notice, all violations shall be cited by an officer of the police department.(f)Any notice of violation shall state specifically which type and/or color of motor vehicle, and the general location of such vehicle on the person's property.(g)Any person and/or entity failing to comply with this chapter shall, ten days after receipt of legal notice, be charged as for the violation of any other town ordinance, and upon conviction shall be punished as provided by section 1-7.(h)Ten days after legal notice is given, each day thereafter shall be deemed a separate offense until such situation is rectified by the noticed party.	200
26.67	Attractive Nuisance	Whenever any structure within the town shall be found to be dangerous unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove same.	200
28.21	Damaging Public Property	It shall be unlawful for anyone to alter, damage, deface or destroy any public property. The term "public property" means any property belonging to the town, regardless of its nature.	500
28.22	Sign (owner permission)	It shall be unlawful for any person to post or display in or upon any bridge any sign or advertisement, or to post or display upon any telegraph, telephone or electric company's pole, or upon any public property or the private property of any person any bills, signs or advertisements without the consent in writing of the owner thereof.	100

Disorderly Conduct	<p>It shall be unlawful for any person or persons within the corporate limits of the town to engage in any conduct described in the following subsections; provided, however, that no person shall be convicted of any of the following subsections upon a showing that the predominant intent of said conduct was to exercise a constitutional right:</p> <p>(1)To act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of his life, limb or health;(2)To act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;(3)To cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;(4)To assemble or congregate with another or others for the purpose of, or with the intent to engage in gaming;(5)To be in or about any place, alone or with another or others with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable things; or to aid or abet any person or persons in doing so;(6)To be in or about any place where gaming or the illegal sale or possession of alcoholic beverages or products or dangerous drugs is practiced, allowed or tolerated, for the purposes of or intent to engage in gaming or the purchase, use, possession or consumption of said illegal drugs, narcotics or alcoholic beverages;(7)To direct fighting words toward another, that is, words which by their very nature tend to incite a breach of the peace;(8)To interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;(9)To congregate with another or others in or on a public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear the public way after being ordered to do so by a police officer or other lawful authority;(10)To disrupt by actions which tend to incite a breach of the peace the undisturbed activities of any house of worship, hospital or home for the elderly; or(11)To throw bottles, paper, cans, glass, sticks, stones, missiles or any other debris on public property.</p>	500
Public Drunkenness	<p>It shall be unlawful and punishable as provided in section 1-7 for any person to appear on the streets of the town, or in an automobile, or in any public place or place of business patronized by the public in an intoxicated condition. The term "intoxicated condition" as used in this section shall be interpreted to mean that said person is under the influence of intoxicating liquor, beer, wine or drugs to such a degree as to cause him to act in an unruly, boisterous, indecent or profane manner, or which renders him in a condition which is hazardous to himself or to others.</p>	500
Unauthorized Accumulation of Solid Waste	<p>Methods of disposal.(1)All waste and related materials described in section 32-1 shall be discarded in containers, landfills and/or sanitary dumps.(2)Residential garbage and trash accumulated in the town shall be collected, conveyed and disposed of in manners described in this chapter.(3)All such persons shall conduct their activities in full compliance with state laws and regulations and the town ordinances detailing the solid waste management plan regulating the collection, transportation and/or disposal of such waste.(b)Cleanliness of premises; generally. For the purpose of promoting the health, safety and welfare of the people of the town, every owner or occupant of a lot or parcel of land, any portion of which lies within 40 feet of any dwelling, house or place of business, is required to keep such portion of such land within 40 feet of any such dwelling, house or place of business cleared of all brush, garbage, garden trash, rubbish or noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes or vermin of any kind or character, or which tends to create a fire hazard or which endangers the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition. The owner or occupant shall be required to keep such land cleared whether or not such land lies within a public right-of-way.</p>	200
Litter Receptacles at Places Frequented by Public	<p>(a)Receptacles required. Every owner, occupant, tenant, or lessee in control of any property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall provide adequate receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The owner, occupant, tenant, or lessee in control of any property shall determine the number and size of the receptacles, except that no less than one receptacle shall be placed at each site. Receptacles shall be no less than ten gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which receptacles are required by this chapter shall at his own expense be responsible for the placement, and maintenance of such receptacles as required by this chapter.(b)Periodic emptying of receptacles. All litter and solid waste shall be removed from receptacles as necessary, but not less frequently than weekly, and all receptacles shall be maintained in a sanitary and serviceable condition.</p>	200
Tall Grass	<p>The following conditions are hereby determined to be detrimental to the health, safety and welfare of the citizens of the town and are therefore determined to be a public nuisance and are prohibited:</p> <p>(1)Any portion of a lot or parcel of land on which the grass is in excess of 12 inches in height, except those portions that are set aside for landscape buffers or screening as required by the town's land development ordinance or any other ordinance of the town;</p>	200
Cleanliness of Premises	<p>(a)General requirement. It shall be the responsibility of each owner, agent, occupant, or lessee to keep his property free of litter.(b)Litter prohibited. No owner, agent, occupant, or lessee of any property shall allow the storage or accumulation of litter on the exterior of said property outside of a receptacle that is covered, secured, and maintained so as to prevent blowing, spilling, scattering, or leaking of the litter and waste contained therein, except that this requirement shall not apply to an area designated and approved by the county as a permitted disposal site.(c)Adjacent and surrounding areas. It shall be the responsibility of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of litter. These areas include, but are not limited to public and private sidewalks, roads, and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots that are owned or leased by such establishment or institution. Removal of any litter shall be performed in accordance with this chapter.</p>	200
Dumping and Littering Prohibited	<p>(a)The purpose of this section is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this chapter are:(1)Provide for uniform prohibition throughout the town of any and all littering on public or private property; and(2)Prevent the desecration of the beauty and quality of life of the town and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.(b)This section shall apply at all public and private property within the town. This section is not intended to interfere with, abrogate, and/or annual any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this section should be considered minimum requirements, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.</p>	200
Film Permit	<p>(b)Permit required. A film permit shall be obtained by any person working on behalf of television companies, movie companies, or other media, company or agency filming on town-owned property. For purposes of this ordinance, "town-owned property" includes, but is not limited to, town right-of-way. There shall be a consistent and uniform process for the issuance of film permits in the town. Any person planning a filming shoot which could impact public safety and/or disrupt town business is required to obtain a film permit. Failure to obtain a film permit shall be a violation of this section. Each day a film permit is not obtained shall be a separate violation.</p>	500

34.56	Objects in Right of Way	The town is vitally concerned with the use, construction within, and occupancy of all rights-of-way in the town as such rights-of-way are a valuable and limited resource which must be utilized to promote the public health, safety, welfare, and economic development of the town and to protect public work infrastructure. Therefore, the town, under the authority of the laws and Constitution of the state, including, but not limited to, article 9, section 1, paragraphs 2 and 3 of the state Constitution and O.C.G.A. §§ 36-35-3 and 32-4-92(10), has adopted the ordinance from which this article is derived for the purpose of regulating public and private entities which use the town rights-of-way.	175
36.10	Restriction of Truck Traffic on Swanson Road	All vehicles exceeding six tons in weight, whether fully loaded or not, shall be prohibited from using Swanson Road in the town, beginning at the intersection of Swanson Road and Georgia Highway 74 and continuing in an easterly direction down Swanson Road, up to the junction of the municipal limits of the town and the limits of the county. This section shall not prohibit any local traffic by trucks which exceed six tons. The exemption for trucks exceeding six tons in weight as to local traffic shall be limited solely to those vehicles which are owned by or connected to businesses which have their physical situs on Swanson Road; or are vehicles which are making deliveries to or from businesses and residences whose physical situs is on Swanson Road; or who have no other means of ingress and egress than by the utilization of Swanson Road; or those who have their situs on streets and roads with no other means of ingress and egress than by way of Swanson Road.	175
36.45	Parking Trucks in Residential	(a)No person shall park or stand any semi-trailer or other vehicle exceeding 3½ tons upon any property zoned for residential use or upon any public street or highway within or adjacent to property zoned for residential uses.(b)The police department shall have authority to enforce this section as provided by law.	175
36.48	Parking on Town Owned Property	Except as to deliveries of goods or merchandise to town property lasting no longer than 15 minutes and waivers specifically approved by the mayor and town council:  (1)It shall be unlawful for any person to park or cause to be parked, any automobile, truck, motorcycle or other motor vehicle or unmotorized trailer on town-owned property except in those areas specifically designated for parking. Any vehicles parked in violation of this subsection shall be subject to removal and impoundment by the town police department according to regulations to be established by the chief of police.(2)It shall be unlawful for any person to park or cause to be parked, any automobile, truck, motorcycle or other motor vehicle or unmotorized trailer in any town park or within 100 feet of the playing fields, adjacent to the concession areas, fan viewing areas or other landscaped or grassed areas, except in those areas specifically designated for parking. Parking shall be permitted only in those areas specifically designated for parking. Any vehicles parked in violation of this subsection shall be subject to removal and impoundment by the town police department according to regulations to be established by the chief of police.	175
36.75	Golf Cart Operation Violations	(a)Only those persons who hold a valid motor vehicle driver's license may drive a golf cart or low-speed motor vehicle on the streets or paved recreational paths of the town. Exception: Those persons who are 12 years of age or older may drive a golf cart or low-speed motor vehicle on designated streets and paved recreation paths of the town if they are accompanied in the front seat by a person at least 18 years of age who holds a valid motor vehicle driver's license. In addition, those persons who are 15 years of age or older may drive a golf cart or low-speed motor vehicle on designated streets and paved recreation paths of the town if they hold a valid learner's permit.(b)Golf carts and low-speed motor vehicles may be operated on public streets within the town limits where the posted speed limit is 35 miles per hour or less. The operator of a golf cart or low-speed motor vehicle shall not operate such vehicle on any street where the posted speed limit exceeds 35 miles per hour. This does not prohibit golf carts or low-speed motor vehicles from crossing any road or street at properly marked crossings. No all-terrain vehicles (ATVs) are permitted to operate on town streets or recreation paths.(c)All golf cart and low-speed motor vehicle operators shall abide by all traffic regulations applicable to vehicular traffic when using the streets and paved recreation paths of the town. All golf cart and low-speed motor vehicle operators are required to use available paved recreation paths where present in lieu of town streets.(d)Golf carts may be operated on sidewalks only if the driver yields the right-of-way to all pedestrians, bicycle riders or others not using a golf cart.(e)No low-speed motor vehicles or golf carts shall be permitted to operate over, along, or across Georgia Highway 74 within the boundaries of the town except where authorized crossings are provided.(f)It shall be unlawful for the owner of any low-speed motor vehicle or golf cart or for any other person operating, employing, or permitting the use of, or otherwise directing the use of such vehicle, to operate or permit the operator of any such vehicle to drive over the streets or paved recreation paths in violation of this article.(g)No low-speed motor vehicle or golf carts shall be permitted to operate on the following streets within the boundaries of the town, except where authorized crossings are provided:(1)Palmetto Road.(2)Tyrone Road.(3)Dogwood Trail.(4)Jenkins Road.(5)Sandy Creek Road.(6)Peggy Lane.	175
36.8	Restriction of Truck Traffic on Senoia Road	All vehicles exceeding six tons in weight, whether fully loaded or not, shall be prohibited from using Senoia Road in the town, beginning at the intersection of Senoia Road and Georgia Highway 74 and continuing in a southerly direction down Senoia Road to the intersection of Senoia Road and Dogwood Trail. This section shall not prohibit any local traffic by trucks which exceed six tons. The exemption for trucks exceeding six tons in weight as to local traffic shall be limited solely to those vehicles which are owned by or connected to businesses which have their physical situs on Senoia Road, or, are vehicles which are making deliveries to or from businesses and residences whose physical situs is on Senoia Road, or who have no other means of ingress and egress than by the utilization of Senoia Road, or those who have their situs on streets and roads which have no other means of ingress and egress than by way of Senoia Road. Any person convicted of violation thereof shall be punished as set forth in the town charter for violations of this Code. Nothing contained herein shall limit or restrict the travel of vehicles or the use of roads by vehicles when travelling on either Dogwood Trail or Georgia Highway 74.	175
36.9	Restriction on Through Traffic on Ashland Trail	All motor vehicles shall be prohibited from using Ashland Trail as a cut through street between Castlewood Road and Senoia Road in the town and motor vehicle use shall be restricted to motor vehicle traffic use by residents except as hereinafter set forth and shall be posted "No Through Traffic Permitted." This section shall not prohibit any local traffic by residents and their visitors, school buses, emergency vehicles, service vehicles and to those motor vehicles which are making deliveries to or from residences located on Ashland Trail.	175
38.116	Sewage Disposal	No sewage, as defined herein, shall be discharged directly or indirectly onto any street or other surface, nor into any storm sewer, stream or body of water.	200
38.57	Waste Disposal	(a)It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner, upon public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.(b)It is unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article.(c)Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.	200
105.120	Tree Violation	Any person, firm or corporation violating a provision of this article shall be deemed guilty of an offense. As a condition of suspension of any fine or sentence, the court may require payment of restitution or impose other punishment allowed by law which may include mandatory attendance at an educational program concerning tree preservation. Each day's continuance of a violation may be considered a separate offense. Each tree cut, damaged or poisoned shall constitute a separate offense. The owner of any property wherein a violation exists, and any architect, developer, builder, contractor, tenant or agent who commits or may have assisted in the commission of any such violation shall be guilty of a separate offense.	400

107.4	Permit Violation	<p>(b)Notice of violation. If the town manager or his designee determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:(1)The name and address of the owner or the applicant or the responsible person;(2)The address or other description of the site upon which the violation is occurring;(3)A statement specifying the nature of the violation;(4)A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this chapter and the date for the completion of such remedial action;(5)A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and(6)A statement that the determination of violation may be appealed to the town manager or his designee by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).(c)Penalties. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the town manager or his designee shall first notify the applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the town manager or his designee may take any one or more of the following actions or impose any one or more of the following penalties.(1)Stop work order. The town manager or his designee may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein; provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.(2)Withhold certificate of occupancy. The town manager or his designee may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.(3)Suspension, revocation or modification of permit. The town manager or his designee may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein; provided such permit may be reinstated (upon such conditions as the town manager or his designee may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.(4)Civil penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the town manager or his designee shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the town manager or his designee has taken one or more of the actions described above, the town manager or his designee may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.(5)Criminal penalties. For intentional and flagrant violations of this chapter, the town manager or his designee may issue a citation to the applicant or other responsible person, requiring such person to appear in the town municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.</p>	175
111.124	Residential Freestanding Signs	<p>(a)Number, size and height of signs. Lots located in a residential zoning district shall be allowed no more than four freestanding signs not to exceed six square feet each sign. Signs shall not exceed four feet in height. Sign structures shall not exceed five feet in height. For purposes of determining the maximum height of signs and sign structures, the measurements shall be taken from the grade level of any adjacent street or the grade level of the lot, whichever is higher. Banners shall not be exempt from this section. The freestanding signs allowed in this section shall be temporary signs as that term is defined in this chapter. However, one of the four signs allowed in this section may be a permanent sign. No permit shall be required.(b)Subdivision signs. Notwithstanding anything herein to the contrary, the sign area of signs at the entrance of a subdivision shall be limited to 40 square feet and six feet in height. If used in conjunction with a wall, the wall shall not exceed five feet in height. The decorative facade, including post and/or columns, shall not exceed seven feet in height. No more than two signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the home owners association (HOA) and shall not be allowed to be on private property. A permit shall be required.(c)Banners. Banners shall not be more than 24 square feet in size to be displayed not more than 30 days in a calendar year. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than four feet above grade when mounted on the ground. There shall be only one banner displayed at a time. No permit shall be required.(d)Multi-family parcels. For any multi-family residential property, the number of allowable freestanding signs shall not exceed eight signs not more than six square feet each. Such developments shall also be entitled to two permanent signs at the entrance to the development as regulated in subsection (b) of this section. The property owner shall be responsible for all signage posted on the property. Notwithstanding any provisions within this section to the contrary, signs within the DR-15 zoning district shall be regulated in the same manner as single-family residential zoning districts are regulated. For purposes of this chapter, a DR-15 zoning district shall not be considered to be a multifamily zoning district. A permit shall not be required.</p>	100
111.157	Freestanding Signs (Non-Residential)	<p>(a)Number, height and dimensions. Unless otherwise provided herein, each parcel is allowed one permanent freestanding sign, not to exceed six feet in height, ten feet in width and not more than 40 square feet in area.(b)Multiple businesses parcel. Each parcel containing multiple businesses shall be entitled to display one permanent freestanding sign. Individual business names are included in the total square footage. The maximum area of the sign shall not exceed seven feet in height, ten feet in width, and not more than 60 square feet in area.(c)Illumination; permit. Freestanding signs may be externally illuminated. A permit shall be required.(d)Drive-through signs. Signs as part of a drive-through facility, not visible or legible by the traveling public shall not be regulated by this chapter; however, no individual drive-through sign may exceed 40 square feet.(e)Temporary signage. Each parcel containing a single business shall be allowed not more than eight aggregate square feet of temporary signage. Each parcel containing multiple businesses shall be allowed not more than 12 aggregate square feet of temporary signage. No temporary sign shall be greater than four feet in height. A permit shall not be required. Sidewalk, sandwich, and A-frame signs may be used as the temporary signage as described in this section. The limitation on aggregate maximum square feet for temporary signage applies to sidewalk, sandwich, and A-frame signs. Sidewalk, sandwich, and A-frame signs may only be displayed during business hours.(f)Subdivision entrance/exit signs. Notwithstanding anything herein to the contrary, the area of signs at the entrance/exit of a subdivision shall be limited to 40 square feet and six feet in height. If used in conjunction with a wall, the wall shall not exceed five feet in height. The decorative facade, including posts and/or columns, shall not exceed seven feet in height. No more than two signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the property owners association (POA) and shall not be allowed to be on private property. A permit shall be required.</p>	100
111.160	Unpermitted Banner (Non-Residential)	<p>Banners shall be allowed for a period not exceeding 21 days, with not more than four such 21-day periods being permitted per calendar year.</p> <p>(1)Size. Banners shall not be more than 32 square feet. A permit shall be required.(2)Height. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five feet above grade when on the ground.</p>	100
111.4	Sign Violations	<p>(a)Illegal signs. No person shall erect on any premises owned or controlled by him/her any sign which does not comply with the provisions of this chapter.(b)Dangerous, defective condition. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this chapter.(c)Separate violations. Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions herein.(d)Public nuisance. Any violation of this chapter is hereby declared to be a public nuisance.(e)Misdemeanor. In case any sign or other device covered by this chapter is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this chapter, the town manager shall cause a citation to issue. Additionally, the town may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.</p>	100

Prohibited Signs and Devices	<p>The following signs shall be prohibited under this chapter. Such signs include, but are not limited to:</p> <p>(1)Animated or flashing signs;(2)Rotating, animated signs, or any sign which requires either natural or artificial wind current or energy for motion or gives the appearance of movement;(3)Portable or trailer display signs when not attached to a motor vehicle;(4)Signs on courtesy benches, trash cans, and similar devices on which advertising is displayed;(5)Search lights, beacons, or similar devices;(6)Roof signs;(7)Pennants, streamers;(8)Attention-getting devices, including but not limited to balloons (including all inflatable air signs) and lights, shall not be used to attract attention to any sign or business. This includes neon tubing or bare bulb lights encircling a window or outlining the structure;(9)Signs or other advertising structures that contain obscene or indecent material.a.Material is obscene if either, or both, of the following apply:1.To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion; or2.The material depicts or describes, in a patently offensive way, sexual conduct specifically defined as follows:(i)Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;(ii)Acts of masturbation;(iii)Acts involving excretory functions or lewd exhibition of the genitals;(iv)Acts of bestiality or the fondling of sex organs of animals; or(v)Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.b.Material is indecent if the sign depicts the following portions of human anatomy:1.Any portion of the female breast below the top of the areola;2.Any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals;(10)No lettering, logos or other graphics are allowed on any awning, canopy (including a gasoline canopy), marquee, umbrella or other similar devices;(11)Kiosks;(12)Changeable copy signs;(13)All signs attached to light poles, power poles or trees (when in the right-of-way);(14)Any privately-owned sign located within or partially within a road right-of-way;(15)Billboards; and(16)Murals.</p>	100
Sign (obscene)	<p>(9)Signs or other advertising structures that contain obscene or indecent material.a.Material is obscene if either, or both, of the following apply:1.To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion; or2.The material depicts or describes, in a patently offensive way, sexual conduct specifically defined as follows:(i)Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;(ii)Acts of masturbation;(iii)Acts involving excretory functions or lewd exhibition of the genitals;(iv)Acts of bestiality or the fondling of sex organs of animals; or(v)Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship. b.Material is indecent if the sign depicts the following portions of human anatomy:1.Any portion of the female breast below the top of the areola;2.Any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals;</p>	500
Sign Location	<p>(a)Obstructions to doors, windows, or fire escapes. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape.(b)Signs not to constitute traffic hazard. No sign or part thereof, except authorized traffic signs, shall be located in any state, county or town right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two rights-of-way.</p>	145
Recreational Vehicle Parking	<p>Camping trailers, recreational vehicles, travel trailers, camper pick-up coaches, motorized homes, boat trailers and boats shall not be parked on any residentially-zoned or AR lot that has not been improved with a dwelling nor any non-residential lot that has been not been improved with a principal building except in conjunction with the construction of a dwelling or principal building for which a building permit has been issued. Application for a permit for the parking of such recreational vehicles shall be made to the zoning administrator. Such permit shall be issued for a period not to exceed six months and shall not be renewable when associated with the construction of a dwelling. This provision shall not be interpreted as precluding the parking of such recreational vehicles for a period not to exceed 14 days. When parked in conjunction with a dwelling or principal building, the recreation vehicle must meet all applicable setbacks, shall not be parked in the front yard, nor on the street adjacent to the lot, and shall be parked on an improved surface.</p>	175
Screening Violation	<p>All service areas for non-residential uses shall be established so as not to infringe upon any yard requirement and shall be visually screened from adjacent residential properties.</p>	100
Exterior Storage (non-residential)	<p>Exterior storage (but not including the parking of vehicles for sale or lease) shall not be permitted in the front yard of any non-residential zoning district and shall be permitted in only the industrial (M-1, M-2) zoning districts and the educational-institutional (E-I) zoning district. Exterior storage located in the educational-institutional (E-I) zoning district shall be screened or fenced or located in a receptacle not to exceed 65 square feet.</p>	200
Parking in Restricted Area	<p>(g)Use of area. No parking area may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment unless such activity is allowed in the zoning district in which the parking area is located.(h)Location and surface of parking areas. The parking of any vehicle on any lot in any zoning district on other than a surface treated and hardened to accommodate the vehicle is prohibited. In addition, parking of vehicles in the front yard or in front of the principal building line in a residential zoning district shall be prohibited except on a hard-surfaced driveway or in a carport or garage.(i)Parking of business vehicles. In any residential or multi-family zoning district, no prohibited business vehicle or school bus used for transporting students to either public or private schools shall be allowed to park on parcels so zoned or on streets abutting such parcels except during daylight hours and only for the purpose of making deliveries, pickups and providing services. A prohibited business vehicle is defined as a vehicle with a gross vehicle weight rating (GVWR) in excess of 26,000 pounds, or a vehicle with more than two axles, or a vehicle designed to transport at least 15 passengers (including the driver). Business vehicles with a GVWR of less than 26,000 pounds, or less than three axles, or those designed to carry less than 15 passengers (including the driver) shall not be parked on streets abutting such parcels. This provision shall not be construed as restricting in any way the normal business vehicle activity associated with development and construction.</p>	175

Day Care Services Violation	<p>(26)Day care services; home occupation (all residential zoning districts). Home occupation day care services may be established and operated in the town in accordance with the guidelines and procedures set forth below:a.Guidelines:1.A home occupation day care service means a private residence operated by any person who receives pay for the supervision and care for fewer than 24 hours per day, without transfer of legal custody, not more than six children simultaneously, who are under 18 years of age, who are not related to such person and whose parents or guardians are not residents in the same private residence;2.Not more than 25 percent of a residence may be used for a home occupation day care service and an outdoor play area may be provided;3.No home occupation day care service may be established and operated in the town until a permit to do so has been obtained in accordance with the procedures set forth below;4.Must comply with all current state regulations for day care services;b.Procedures:1.Permit application. Persons seeking to operate a home occupation day care service in the town must file a permit application with the town clerk. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of children that will be served simultaneously and that the proposed home occupation day care service will meet and be operated in accordance with all applicable state laws and regulations with all ordinances and regulations of the town;2.Decision on application. Within 30 days of the date the permit application is filed with the town clerk, the town council shall either approve or disapprove the application for a permit to be issued. An application shall be approved only upon a determination by the town council that the home occupation day care service proposed by the applicant will be operated in compliance with all state regulations, this section and the fire and safety codes of the county; will not constitute too great a concentration of such home occupations as to adversely impact a neighborhood; and that all other requirements of this section have been met; and3.Issuance of permits. Each permit shall become effective on the date it is issued by the town.</p>
113.190.26	145
113.190.34	200

#### **Sec. 4-4. Sale, possession, etc., of alcoholic beverages on which state tax or license fee not paid prohibited.**

It shall be unlawful for any person to sell at retail or otherwise within the town, possess, conceal, store or convey any wine, malt beverage, distilled spirits or other alcoholic beverages on which any tax or license fee imposed by the laws of the state or this chapter have not been paid, and any such beverages as above described that are found without a state tax stamp shall be seized as contraband and immediately delivered to the state revenue commissioner as provided by law. Any violation of this section shall be punished as provided for in section 1-7.

(Code 1984, § 2-8-3)

State law reference(s)—Similar provisions, O.C.G.A. § 3-3-29.

#### **Sec. 6-3. Running at large prohibited.**

It shall be unlawful for any owner or person in control of any domestic animal to allow that animal to run at large within the town.

(Code 1984, § 9-3-3)

#### **Sec. 6-4. Keeping of fowl or livestock in town.**

- (a) For the purposes of this section, the term "livestock" is defined in the same way that said term is defined in the town's zoning ordinance.
- (b) The keeping of livestock shall be permitted in the town only on property zoned to the town's A-R agricultural residential zoning district. Furthermore, any such keeping of livestock must satisfy any conditions of zoning for said use provided by the town's zoning ordinance. The keeping of livestock in any manner not consistent with this subsection shall be declared a nuisance.
- (c) Notwithstanding the foregoing, the keeping of livestock shall be specifically declared a nuisance if the following conditions are not satisfied:
  - (1) Any housing or enclosures used by such livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary.
  - (2) Animal excrement shall be disposed of in a manner approved by the county health official.
- (d) No person shall create, maintain, support, aid, or continue a nuisance by failing to satisfy the requirements of subsections (b) and (c) above.

(Ord. No. 2013-04, § 1, 3-7-2013)

Editor's note(s)—Ord. No. 2013-04, § 1, adopted Mar. 7, 2013, repealed former § 6-4, and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Code 1984, § 9-3-4; Ord. No. 62, 2-18-1982.

#### **Sec. 14-26. Open burning.**

The provisions of this section amend the specific section of article II, Fire Prevention Code, specifically section 307 of the International Fire Prevention Code, and it is hereby amended or revised consistent with this section. No person shall cause, suffer, allow, or permit open burning in any area of the town, except as follows:

- (1) *Open burning not requiring permit.* No person shall cause, suffer or allow open burning in any area of the town without a permit except as follows:
  - a. For the recreational purpose of cooking food for immediate human consumption;
  - b. Fires set for the purpose of training firefighting personnel authorized by the county director of fire and emergency services;
  - c. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used; and
  - d. Setting and maintenance by contractors and tradesmen of miscellaneous small warning fires for their workers.
- (2) *Fire extinguished.* The county department of fire and emergency services shall have the authority to order that any fire be extinguished if it is determined that there is a danger to public safety, a nuisance or sign of environmental harm.
- (3) *Permits required.* If, in the opinion of the fire marshal of the county, there are no adequate disposal facilities reasonably available for the particular combustible materials involved, the following open burning may be allowed with the appropriate permit so long as the burning pile size shall be no greater than ten feet wide, ten feet long, and ten feet high, or 1,000 cubic feet of material; and no more than one pile shall be burning at a time. In addition, all burning (both residential and commercial) shall occur consistent with the requirements of subsection (3)c of this section.
  - a. *Residential permit.* A residential permit shall be issued without charge for the following types of open burning:
    1. Reduction of leaves, clippings, brush and limbs on residential property by or through direction of the owner of the premises;
    2. Disposal of tree limbs from storm damage; or
    3. For weed abatement, disease, and pest prevention.

Fire extinguishing equipment such as a garden hose, shovel, rake, or other device shall be readily available. The county department of fire and emergency services retains authority to extinguish any fire in the event that complaints are received.
  - b. *Commercial permit.* A commercial permit shall be issued by the county bureau of fire prevention for all types of open burning deemed commercial in nature. Commercial permits are available under certain circumstances at no charge. Unless the commercial permit falls clearly within the guidelines requiring no charge, a charge will be assessed for the commercial permit. All types of burning requiring permits are deemed commercial in nature unless they are designated under subsection (3)a of this section.
    1. The following types of open burning are available without charge but require a commercial permit:
      - (i) Carrying out recognized agricultural procedures necessary for production or harvesting of crops with the appropriate forestry permit.
      - (ii) Burning over of any forest land by the owner of such land with the appropriate forestry permit and a copy of the prescribed burning unit plan.
    2. The following types of open burning shall be assessed a permit fee as set from time to time by the county board of commissioners:

- (i) Destruction of combustible demolition;
  - (ii) Open burning for the purpose of land clearing or construction of right-of-way-maintenance provided the prevailing winds at the time of burning are away from the major portion of the area's population.
- 3. Air curtain destructor; requirements. All open burnings which require the type of commercial permit for which the requester is assessed a fee must be accomplished through the proper use of an air curtain destructor:
  - (i) The location of the air curtain destructor must be at least 500 feet from any occupied structure or public road;
  - (ii) No more than one air curtain destructor may be operated within a ten-acre area at one time or there must be at least 1,000 feet between any two air curtain destructors;
  - (iii) Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil may be burned in the air curtain destructor;
  - (iv) Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated materials may not be used to start or maintain the operation of the air curtain destructor;
  - (v) The air curtain destructor must be constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke; and
  - (vi) The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust.
- c. *Open burning requirements.*
  - 1. Materials such as heavy oils, gasoline, asphaltic materials, plastic, tires and items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors shall not be used for starting or maintaining an open fire.
  - 2. All burning shall be carried out between 8:00 a.m. and 6:00 p.m. and all fires shall be completely burned.
  - 3. All burning shall be located on private property so as not to interfere with any traffic on the public streets or sidewalks.
  - 4. All burning shall be conducted at least 50 feet from any structure or such other minimum distance requirement contained herein, whichever is greater.
  - 5. During any open burning, the burning activity shall be constantly attended by a competent person of at least 18 years of age.
- d. *Exceptions.* The fire marshal may grant specific or general classes of exceptions to or variances from the particular requirements of any rule, regulation or general order upon such conditions as the director of fire and emergency services may deem necessary to protect the public health, safety, and general welfare, if, upon petition, the director of fire and emergency services finds that strict compliance with such rule, regulation, or general order is inappropriate for one of the following reasons:
  - 1. Because of conditions beyond the control of the petitioner, i.e., those conditions which, though ordinary diligence be employed, remain unforeseeable or unpredictable, e.g., strikes, walkouts, or other industrial disturbances, embargoes, or other causes of like

character; provided, however, that this shall not include conditions solely because they are dependent upon contingencies, i.e. including, but not limited to, the variable cost or availability of maintenance, equipment, labor, raw materials, fuel or energy;

2. Because of special circumstances which would render strict compliance unreasonable, unduly burdensome, or impracticable due to special physical conditions or causes;
  3. Because strict compliance would result in substantial curtailment or closing of the business operation; or
  4. Because no alternative method of handling is available.
- e. *Additional safety precautions; restrictions.* If the fire marshal of the county determines that certain open burning otherwise permitted imposes a threat to the public health, safety and general welfare, the fire marshal shall have the authority to impose additional safety precautions or restrict the burning, including the issuance of a complete ban on the open burning in the particular location.
- f. *Permits prohibited.* During an air pollution emergency declared by the town council or other proper county or state authorities, no open burning of any kind shall be permitted unless open burning is required in the performance of an official duty or any public office, or fires necessary to thwart or prevent a hazard which cannot be properly managed by any other means, or as necessary for the protection of public health.
- g. *Penalty.* Persons violating this article shall be subject to a fine not to exceed \$1,000.00 per violation.
- h. *Blanket prohibition; exceptions.* Beginning January 1, 1996, all open burning shall be prohibited during the months of May, June, July, August, and September. The only exceptions to this general prohibition against open burning during the months of May, June, July, August and September shall be:
1. For the recreational purpose of cooking food for human consumption;
  2. Fires set for the purpose of training firefighting personnel when authorized by the county director of fire and emergency services;
  3. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment where approved safety measures are used.

(Code 1984, § 3-2-24)

## **Sec. 22-126. When tax due and payable; delinquency of tax.**

- (a) The amount of occupational tax shall be payable to the town, at the office of the town manager, on or before January 1 of each year and delinquent if not paid on or before February 1 of each year. In the event that any person commences business on any date after January 1, the tax shall be due and payable upon the commencement of the business and shall become delinquent if not paid within 30 days of the commencement of the business. If the tax remains delinquent for 90 days from the due date described above, the person or business liable for the tax shall pay a penalty of ten percent of the initial fee with an additional 1.5 percent for each month until paid.
- (b) In the event that any person commences business on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be 50 percent of the tax imposed for the entire year, except that:
- (1) The administrative fee described in section 22-122 shall not be reduced; and

- (2) A practitioner of a profession or occupation who elects as his or her occupation the tax the amount described in subsection 22-123(2) shall receive no reduction in such amount.
- (c) The tax registration herein provided for shall be issued by the town manager or designee. If any person, firm or corporation whose duty it is to obtain registration, after said offer to transact business in the town any kind of profession, trade or calling in this article specified without having first obtained said registration, such offender shall, upon conviction, be guilty of an offense. Notwithstanding the criminal provisions contained herein, such criminal provisions shall not apply to those professions for which a state license or registration is required by state law, unless otherwise specifically allowed for by state law.
- (Code 1984, § 2-5-38; Ord. No. 2014-04, § 3, 2-20-2014)

State law reference(s)—Payment due date, O.C.G.A. § 48-13-20; penalty and interest for late payment, O.C.G.A. § 48-13-21.

### **Sec. 22-287. Evidence of good character; issuance of identification badge; possession, display.**

- (a) Each applicant shall show evidence of good character as required by the chief of police, who is hereby directed to require photographs and fingerprints of each applicant. If, after proper inquiry and investigation, the chief of police shall determine that the applicant is of good character and that the safety of the citizens and property of the town are protected, each applicant shall be issued an identification badge with the applicant's photograph thereon indicating that the registration fee has been paid in full, that the applicant has been duly registered, the applicant's name, the organization which the applicant represents, and showing thereon the days for which the applicant has registered.
- (b) The identification badge shall be worn on the applicant's person in a prominent place, or, if a transient or itinerant merchant, displayed in a prominent place within the temporary location so as to be visible and legible. Possession of this identification badge shall not in any way represent an endorsement or approval of any product or project by the town.
- (c) It shall be unlawful for any person to peddle, canvass or solicit or occupy a temporary location as a transient or itinerant merchant without having registered with the town clerk in accordance with section 22-285 and this section or to peddle, solicit or canvass without wearing the identification badge in accordance with this section. Any person violating this article shall be punished as provided in section 1-7.

(Ord. No. 2011-08, § 1(7-7-4), 5-5-2011)

### **Sec. 26-1. Abandoned, junked or inoperative items.**

- (a) It shall be unlawful for the owner, tenant, lessee, occupant or person in possession of any lot or parcel of land in the town, to keep or permit to be kept or stored on said land any abandoned, wrecked, junked, dismantled or inoperative furniture, appliance, machinery or equipment or parts of same, which are not completely enclosed within a building.
- (b) For purposes of this section, the term "abandoned, junked or inoperative furniture, appliances, machinery or equipment" shall be items incapable of and not being used for the purpose for which they were intended.
- (c) Any items covered by this section which are in the process of being repaired or restored may be kept on the property provided they are covered or otherwise effectively screened and provided that there are no more than five such items being repaired or restored on the property at any one time.
- (d) Should any person fail to comply with this section upon five days' written notice from the town clerk, said person shall be charged as for the violation of any other town ordinance. Each day shall be deemed a separate offense, and upon conviction, he shall be punished as provided by section 1-7.

(Code 1984, § 9-1-6; Ord. No. 61, 1-21-1982; Ord. No. 262, 3-16-1994)

State law reference(s)—Authority to require removal of junked vehicles, O.C.G.A. § 36-60-4.

### **Sec. 26-2. Abandoned or junked motor vehicles.**

- (a) It shall be unlawful for the owner, tenant, lessee, occupant or person in possession of any lot or parcel in the town to keep or permit to be kept or stored on said land any abandoned, wrecked, junked, dismantled or inoperative motor vehicle which is not completely enclosed within a building.
- (b) For purposes of this section, an "abandoned or junked motor vehicle" is defined as one that is in such a state of disrepair as to be incapable of operating under its own power, or which does not have a current license plate or tag.
- (c) Any such vehicle covered by this section which is in the process of being repaired and/or restored and is on property zoned as residential (R), may be kept on the property, exterior to a residential garage for a period of 90 days, provided it is covered with an opaque motor vehicle tarpaulin, and/or otherwise effectively screened from view from adjoining, and/or abutting streets and properties; and further provided that there are no more than two such vehicles being repaired and/or restored on the property at any time.
- (d) Any violation of this section and/or request to investigate possible violations may be reported to the proper authority by the following:
  - (1) Any person having attained the age of majority and residing within the corporate limits of the town;
  - (2) Any police officer employed by the town; or
  - (3) The building inspector for the town.
- (e) After ten days' legal notice, all violations shall be cited by an officer of the police department.
- (f) Any notice of violation shall state specifically which type and/or color of motor vehicle, and the general location of such vehicle on the person's property.
- (g) Any person and/or entity failing to comply with this chapter shall, ten days after receipt of legal notice, be charged as for the violation of any other town ordinance, and upon conviction shall be punished as provided by section 1-7.
- (h) Ten days after legal notice is given, each day thereafter shall be deemed a separate offense until such situation is rectified by the noticed party.

(Code 1984, § 9-1-7; Ord. No. 90, 6-21-1984; Ord. No. 261, 3-16-1994)

State law reference(s)—Abandoned motor vehicles, O.C.G.A. § 40-11-1 et seq.

### **Sec. 26-67. Duty of owner.**

Whenever any structure within the town shall be found to be dangerous unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove same.

(Code 1984, § 3-4-9)

**Sec. 28-21. Damaging property.**

It shall be unlawful for anyone to alter, damage, deface or destroy any public property. The term "public property" means any property belonging to the town, regardless of its nature.

(Code 1984, § 9-1-5)

State law reference(s)—Similar provisions, O.C.G.A. § 16-7-20 et seq.

**Sec. 28-22. Posting signs on poles without consent.**

It shall be unlawful for any person to post or display in or upon any bridge any sign or advertisement, or to post or display upon any telegraph, telephone or electric company's pole, or upon any public property or the private property of any person any bills, signs or advertisements without the consent in writing of the owner thereof.

(Code 1984, § 9-1-8)

State law reference(s)—Similar provisions, O.C.G.A. § 16-7-58.

**Sec. 28-74. Disorderly conduct.**

It shall be unlawful for any person or persons within the corporate limits of the town to engage in any conduct described in the following subsections; provided, however, that no person shall be convicted of any of the following subsections upon a showing that the predominant intent of said conduct was to exercise a constitutional right:

- (1) To act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of his life, limb or health;
- (2) To act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
- (3) To cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- (4) To assemble or congregate with another or others for the purpose of, or with the intent to engage in gaming;
- (5) To be in or about any place, alone or with another or others with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable things; or to aid or abet any person or persons in doing so;
- (6) To be in or about any place where gaming or the illegal sale or possession of alcoholic beverages or products or dangerous drugs is practiced, allowed or tolerated, for the purposes of or intent to engage in gaming or the purchase, use, possession or consumption of said illegal drugs, narcotics or alcoholic beverages;
- (7) To direct fighting words toward another, that is, words which by their very nature tend to incite a breach of the peace;
- (8) To interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;

- (9) To congregate with another or others in or on a public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear the public way after being ordered to do so by a police officer or other lawful authority;
- (10) To disrupt by actions which tend to incite a breach of the peace the undisturbed activities of any house of worship, hospital or home for the elderly; or
- (11) To throw bottles, paper, cans, glass, sticks, stones, missiles or any other debris on public property.

(Code 1984, § 9-1-1; Ord. No. 48, 7-17-1980; Ord. No. 75, 8-18-1983)

### **Sec. 28-75. Public drunkenness.**

It shall be unlawful and punishable as provided in section 1-7 for any person to appear on the streets of the town, or in an automobile, or in any public place or place of business patronized by the public in an intoxicated condition. The term "intoxicated condition" as used in this section shall be interpreted to mean that said person is under the influence of intoxicating liquor, beer, wine or drugs to such a degree as to cause him to act in an unruly, boisterous, indecent or profane manner, or which renders him in a condition which is hazardous to himself or to others.

(Code 1984, § 9-1-2; Ord. No. 80, 10-20-1983; Ord. No. 99, 6-27-1985)

### **Sec. 32-7. Violations deemed public nuisances and prohibited.**

The following conditions are hereby determined to be detrimental to the health, safety and welfare of the citizens of the town and are therefore determined to be a public nuisance and are prohibited:

- (1) Any portion of a lot or parcel of land on which the grass is in excess of 12 inches in height, except those portions that are set aside for landscape buffers or screening as required by the town's land development ordinance or any other ordinance of the town; or
- (2) Except as legally permitted in an industrial zoning district, or except as temporarily located for regular removal by a garbage removal company, any portion of a lot or parcel of land upon which is located an accumulation of garbage, garden trash or rubbish.

(Code 1984, §§ 4-2-12, 4-2-13; Ord. No. 2011-07, § 1, 4-7-2011)

### **Sec. 32-8. Duty of owners and occupants.**

- (a) *General requirement.* It shall be the responsibility of each owner, agent, occupant, or lessee to keep his property free of litter.
- (b) *Litter prohibited.* No owner, agent, occupant, or lessee of any property shall allow the storage or accumulation of litter on the exterior of said property outside of a receptacle that is covered, secured, and maintained so as to prevent blowing, spilling, scattering, or leaking of the litter and waste contained therein, except that this requirement shall not apply to an area designated and approved by the county as a permitted disposal site.
- (c) *Adjacent and surrounding areas.* It shall be the responsibility of each proprietor and each operator of any business, industry, or institution to keep the adjacent and surrounding areas free of litter. These areas include, but are not limited to public and private sidewalks, roads, and alleys; grounds; parking lots; loading and unloading areas; and all vacant lots that are owned or leased by such establishment or institution. Removal of any litter shall be performed in accordance with this chapter.

(Code 1984, § 4-2-3)

### **Sec. 32-9. Dumping and littering prohibited.**

- (a) The purpose of this section is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this chapter are:
  - (1) Provide for uniform prohibition throughout the town of any and all littering on public or private property; and
  - (2) Prevent the desecration of the beauty and quality of life of the town and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.
- (b) This section shall apply at all public and private property within the town. This section is not intended to interfere with, abrogate, and/or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this section should be considered minimum requirements, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Code 1984, § 4-2-4)

### **Sec. 32-11. Unauthorized accumulation of solid waste.**

- (a) *Methods of disposal.*
  - (1) All waste and related materials described in section 32-1 shall be discarded in containers, landfills and/or sanitary dumps.
  - (2) Residential garbage and trash accumulated in the town shall be collected, conveyed and disposed of in manners described in this chapter.
  - (3) All such persons shall conduct their activities in full compliance with state laws and regulations and the town ordinances detailing the solid waste management plan regulating the collection, transportation and/or disposal of such waste.
- (b) *Cleanliness of premises; generally.* For the purpose of promoting the health, safety and welfare of the people of the town, every owner or occupant of a lot or parcel of land, any portion of which lies within 40 feet of any dwelling, house or place of business, is required to keep such portion of such land within 40 feet of any such dwelling, house or place of business cleared of all brush, garbage, garden trash, rubbish or noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes or vermin of any kind or character, or which tends to create a fire hazard or which endangers the lives and property of the citizens of the town, or which tends to create a nuisance or other unsightly or unsanitary condition. The owner or occupant shall be required to keep such land cleared whether or not such land lies within a public right-of-way.

(Code 1984, § 4-2-7)

### **Sec. 32-17. Litter receptacles at places frequented by the public.**

- (a) *Receptacles required.* Every owner, occupant, tenant, or lessee in control of any property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall

provide adequate receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The owner, occupant, tenant, or lessee in control of any property shall determine the number and size of the receptacles, except that no less than one receptacle shall be placed at each site. Receptacles shall be no less than ten gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which receptacles are required by this chapter shall at his own expense be responsible for the placement, and maintenance of such receptacles as required by this chapter.

- (b) *Periodic emptying of receptacles.* All litter and solid waste shall be removed from receptacles as necessary, but not less frequently than weekly, and all receptacles shall be maintained in a sanitary and serviceable condition.

(Code 1984, § 4-2-15)

### **Sec. 34-2. Film permits.**

- (a) *Purpose.* The purpose of this ordinance is to provide guidelines for the issuance, approval, and fees associated with the granting of permits for filming by television companies, movie companies, or other media in the town.
- (b) *Permit required.* A film permit shall be obtained by any person working on behalf of television companies, movie companies, or other media, company or agency filming on town-owned property. For purposes of this ordinance, "town-owned property" includes, but is not limited to, town right-of-way. There shall be a consistent and uniform process for the issuance of film permits in the town. Any person planning a filming shoot which could impact public safety and/or disrupt town business is required to obtain a film permit. Failure to obtain a film permit shall be a violation of this section. Each day a film permit is not obtained shall be a separate violation.
- (c) *Procedure for issuance of permits.*
  - (1) *Application.*
    - a. Any person desiring to obtain a film permit shall make application to the town clerk on a form prescribed by said official and shall meet the conditions set out in this ordinance.
    - b. An application for a film permit shall be accompanied by a copy of a certificate of liability insurance for the person, company or agency filming, with at least \$1,000,000 of coverage. The certificate of liability shall list the "Town of Tyrone" as an additional insured.
    - c. In the event that special provisions are made to secure locations, including parking areas, for traffic enforcement, or other items/issues of an exclusive nature, supporting documentation shall be attached to the film permit application.
    - d. Upon request by the town manager, a copy of the portion of the script of the scene that will be filmed on town-owned property shall be included with the film permit application.
  - (2) *Application review.*
    - a. The town clerk or his/her designee will coordinate with all necessary department heads in a joint effort to determine if a film permit should be approved or denied.
    - b. The town reserves the right to deny a film permit based on the expected disruption to the town's business/operations and in cases deemed to be detrimental to the town's best interests. The town further reserves the right to deny a film permit based on the script of the scene to be filmed on town-owned property.

- c. Every effort will be made by the town to expedite the processing of a film permit application. However, if the timeframe for which the film permit is needed is not deemed reasonable by the town for processing, the town reserves the right to reject an application for a film permit immediately upon receipt.
  - d. The town manager shall determine whether a film permit should be approved or denied.
  - e. The town clerk or his/her designee will contact the requesting party or their agent to communicate the decision of the town manager.
- (3) *Fees.* A fee shall be charged for filming on town-owned property in the following amounts:
- a. One hundred dollars per day for filming at passive locations that do not produce disruption to routine town business/operations or to the general public.
  - b. Five hundred dollars per day for filming at active locations that may produce disruption to routine town business/operations or to the general public.
  - c. The town manager or his/her designee shall have discretion to determine whether a particular application requires filming at a passive or active location, as those terms are used in paragraphs a. and b. above.
- (4) *Records retention.* At the conclusion of the application process and granting of a film permit, two copies of the film permit shall be signed by the town manager and by the authorized representative of the company or agency applying for the permit. One copy of the approved permit, along with any supporting documentation, shall be kept on file in the town's office of administration for one year. The second copy shall be kept on the site of the filming and is the property of the person listed on the permit application. Electronic copies of these documents may also be kept in the same manner as described.

(Ord. No. 2020-03, § 1, 7-16-2020)

### **Sec. 34-56. Intent and purpose.**

The town is vitally concerned with the use, construction within, and occupancy of all rights-of-way in the town as such rights-of-way are a valuable and limited resource which must be utilized to promote the public health, safety, welfare, and economic development of the town and to protect public work infrastructure. Therefore, the town, under the authority of the laws and Constitution of the state, including, but not limited to, article 9, section 1, paragraphs 2 and 3 of the state Constitution and O.C.G.A. §§ 36-35-3 and 32-4-92(10), has adopted the ordinance from which this article is derived for the purpose of regulating public and private entities which use the town rights-of-way.

(Ord. No. 2009-008, § 1(8-2-1), 6-18-2009)

### **Sec. 36-8. Restriction of truck traffic on Senoia Road.**

All vehicles exceeding six tons in weight, whether fully loaded or not, shall be prohibited from using Senoia Road in the town, beginning at the intersection of Senoia Road and Georgia Highway 74 and continuing in a southerly direction down Senoia Road to the intersection of Senoia Road and Dogwood Trail. This section shall not prohibit any local traffic by trucks which exceed six tons. The exemption for trucks exceeding six tons in weight as to local traffic shall be limited solely to those vehicles which are owned by or connected to businesses which have their physical situs on Senoia Road, or, are vehicles which are making deliveries to or from businesses and residences whose physical situs is on Senoia Road, or who have no other means of ingress and egress than by the utilization of Senoia Road, or those who have their situs on streets and roads which have no other means of

ingress and egress than by way of Senoia Road. Any person convicted of violation thereof shall be punished as set forth in the town charter for violations of this Code. Nothing contained herein shall limit or restrict the travel of vehicles or the use of roads by vehicles when travelling on either Dogwood Trail or Georgia Highway 74.

(Code 1984, § 8-2-7; Ord. No. 331, 2-6-1997; Ord. No. 337, 3-20-1997)

### **Sec. 36-9. Restriction on through traffic on Ashland Trail.**

All motor vehicles shall be prohibited from using Ashland Trail as a cut through street between Castlewood Road and Senoia Road in the town and motor vehicle use shall be restricted to motor vehicle traffic use by residents except as hereinafter set forth and shall be posted "No Through Traffic Permitted." This section shall not prohibit any local traffic by residents and their visitors, school buses, emergency vehicles, service vehicles and to those motor vehicles which are making deliveries to or from residences located on Ashland Trail.

(Ord. No. 484, § 8-2-7, 1-19-2006)

### **Sec. 36-10. Restriction of truck traffic on Swanson Road.**

All vehicles exceeding six tons in weight, whether fully loaded or not, shall be prohibited from using Swanson Road in the town, beginning at the intersection of Swanson Road and Georgia Highway 74 and continuing in an easterly direction down Swanson Road, up to the junction of the municipal limits of the town and the limits of the county. This section shall not prohibit any local traffic by trucks which exceed six tons. The exemption for trucks exceeding six tons in weight as to local traffic shall be limited solely to those vehicles which are owned by or connected to businesses which have their physical situs on Swanson Road; or are vehicles which are making deliveries to or from businesses and residences whose physical situs is on Swanson Road; or who have no other means of ingress and egress than by the utilization of Swanson Road; or those who have their situs on streets and roads with no other means of ingress and egress than by way of Swanson Road.

(Code 1984, § 8-2-8; Ord. No. 357, 6-4-1998)

### **Sec. 36-45. Parking trucks in residential areas.**

- (a) No person shall park or stand any semi-trailer or other vehicle exceeding 3½ tons upon any property zoned for residential use or upon any public street or highway within or adjacent to property zoned for residential uses.
- (b) The police department shall have authority to enforce this section as provided by law.

(Code 1984, § 8-3-4; Ord. No. 107, 10-17-1985)

### **Sec. 36-48. Parking on town-owned property restrictions.**

Except as to deliveries of goods or merchandise to town property lasting no longer than 15 minutes and waivers specifically approved by the mayor and town council:

- (1) It shall be unlawful for any person to park or cause to be parked, any automobile, truck, motorcycle or other motor vehicle or unmotorized trailer on town-owned property except in those areas specifically designated for parking. Any vehicles parked in violation of this subsection shall be subject to removal and impoundment by the town police department according to regulations to be established by the chief of police.

- (2) It shall be unlawful for any person to park or cause to be parked, any automobile, truck, motorcycle or other motor vehicle or unmotorized trailer in any town park or within 100 feet of the playing fields, adjacent to the concession areas, fan viewing areas or other landscaped or grassed areas, except in those areas specifically designated for parking. Parking shall be permitted only in those areas specifically designated for parking. Any vehicles parked in violation of this subsection shall be subject to removal and impoundment by the town police department according to regulations to be established by the chief of police.

(Ord. No. 488, § I, 5-18-2006)

### **Sec. 36-75. Operation regulations.**

- (a) Only those persons who hold a valid motor vehicle driver's license may drive a golf cart or low-speed motor vehicle on the streets or paved recreational paths of the town. Exception: Those persons who are 12 years of age or older may drive a golf cart or low-speed motor vehicle on designated streets and paved recreation paths of the town if they are accompanied in the front seat by a person at least 18 years of age who holds a valid motor vehicle driver's license. In addition, those persons who are 15 years of age or older may drive a golf cart or low-speed motor vehicle on designated streets and paved recreation paths of the town if they hold a valid learner's permit.
- (b) Golf carts and low-speed motor vehicles may be operated on public streets within the town limits where the posted speed limit is 35 miles per hour or less. The operator of a golf cart or low-speed motor vehicle shall not operate such vehicle on any street where the posted speed limit exceeds 35 miles per hour. This does not prohibit golf carts or low-speed motor vehicles from crossing any road or street at properly marked crossings. No all-terrain vehicles (ATVs) are permitted to operate on town streets or recreation paths.
- (c) All golf cart and low-speed motor vehicle operators shall abide by all traffic regulations applicable to vehicular traffic when using the streets and paved recreation paths of the town. All golf cart and low-speed motor vehicle operators are required to use available paved recreation paths where present in lieu of town streets.
- (d) Golf carts may be operated on sidewalks only if the driver yields the right-of-way to all pedestrians, bicycle riders or others not using a golf cart.
- (e) No low-speed motor vehicles or golf carts shall be permitted to operate over, along, or across Georgia Highway 74 within the boundaries of the town except where authorized crossings are provided.
- (f) It shall be unlawful for the owner of any low-speed motor vehicle or golf cart or for any other person operating, employing, or permitting the use of, or otherwise directing the use of such vehicle, to operate or permit the operator of any such vehicle to drive over the streets or paved recreation paths in violation of this article.
- (g) No low-speed motor vehicle or golf carts shall be permitted to operate on the following streets within the boundaries of the town, except where authorized crossings are provided:
  - (1) Palmetto Road.
  - (2) Tyrone Road.
  - (3) Dogwood Trail.
  - (4) Jenkins Road.
  - (5) Sandy Creek Road.
  - (6) Peggy Lane.

(Ord. No. 2013-07, § 1, 3-21-2013)

### **Sec. 38-57. Waste disposal, unlawful methods designated.**

- (a) It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner, upon public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.
- (b) It is unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Code 1984, § 6-9-16; Ord. No. 321, 5-15-1996)

### **Sec. 38-116. Sewage.**

No sewage, as defined herein, shall be discharged directly or indirectly onto any street or other surface, nor into any storm sewer, stream or body of water.

(Code 1984, § 6-9-26; Ord. No. 321, 5-15-1996)

### **Sec. 105-120. Violation and penalty.**

Any person, firm or corporation violating a provision of this article shall be deemed guilty of an offense. As a condition of suspension of any fine or sentence, the court may require payment of restitution or impose other punishment allowed by law which may include mandatory attendance at an educational program concerning tree preservation. Each day's continuance of a violation may be considered a separate offense. Each tree cut, damaged or poisoned shall constitute a separate offense. The owner of any property wherein a violation exists, and any architect, developer, builder, contractor, tenant or agent who commits or may have assisted in the commission of any such violation shall be guilty of a separate offense.

(Ord. No. 423, § 1(exhibit A, § 1-032), 5-1-2002)

### **Sec. 107-4. Violations, enforcement and penalties.**

- (a) *Enforcement.* Any action or inaction which violates the provisions of this chapter or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this section shall not prevent such equitable relief.
- (b) *Notice of violation.* If the town manager or his designee determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
  - (1) The name and address of the owner or the applicant or the responsible person;

- (2) The address or other description of the site upon which the violation is occurring;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this chapter and the date for the completion of such remedial action;
  - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
  - (6) A statement that the determination of violation may be appealed to the town manager or his designee by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).
- (c) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the town manager or his designee shall first notify the applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the town manager or his designee may take any one or more of the following actions or impose any one or more of the following penalties.
- (1) *Stop work order.* The town manager or his designee may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein; provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
  - (2) *Withhold certificate of occupancy.* The town manager or his designee may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
  - (3) *Suspension, revocation or modification of permit.* The town manager or his designee may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein; provided such permit may be reinstated (upon such conditions as the town manager or his designee may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
  - (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the town manager or his designee shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the town manager or his designee has taken one or more of the actions described above, the town manager or his designee may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

- (5) *Criminal penalties.* For intentional and flagrant violations of this chapter, the town manager or his designee may issue a citation to the applicant or other responsible person, requiring such person to appear in the town municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 500, § 1(10-188), 5-17-2007; Ord. No. 2019-02, § 1, 5-2-2019)

#### **Sec. 111-4. Violations, penalties.**

- (a) *Illegal signs.* No person shall erect on any premises owned or controlled by him/her any sign which does not comply with the provisions of this chapter.
- (b) *Dangerous, defective condition.* No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this chapter.
- (c) *Separate violations.* Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions herein.
- (d) *Public nuisance.* Any violation of this chapter is hereby declared to be a public nuisance.
- (e) *Misdemeanor.* In case any sign or other device covered by this chapter is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this chapter, the town manager shall cause a citation to issue. Additionally, the town may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.

(Ord. No. 2009-006, § 1(6-6-21), 5-21-2009)

#### **Sec. 111-5. Prohibited signs and devices.**

The following signs shall be prohibited under this chapter. Such signs include, but are not limited to:

- (1) Animated or flashing signs;
- (2) Rotating, animated signs, or any sign which requires either natural or artificial wind current or energy for motion or gives the appearance of movement;
- (3) Portable or trailer display signs when not attached to a motor vehicle;
- (4) Signs on courtesy benches, trash cans, and similar devices on which advertising is displayed;
- (5) Search lights, beacons, or similar devices;
- (6) Roof signs;
- (7) Pennants, streamers;
- (8) Attention-getting devices, including but not limited to balloons (including all inflatable air signs) and lights, shall not be used to attract attention to any sign or business. This includes neon tubing or bare bulb lights encircling a window or outlining the structure;
- (9) Signs or other advertising structures that contain obscene or indecent material.

- a. Material is obscene if either, or both, of the following apply:
  1. To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion; or
  2. The material depicts or describes, in a patently offensive way, sexual conduct specifically defined as follows:
    - (i) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
    - (ii) Acts of masturbation;
    - (iii) Acts involving excretory functions or lewd exhibition of the genitals;
    - (iv) Acts of bestiality or the fondling of sex organs of animals; or
    - (v) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.
- b. Material is indecent if the sign depicts the following portions of human anatomy:
  1. Any portion of the female breast below the top of the areola;
  2. Any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals;
- (10) No lettering, logos or other graphics are allowed on any awning, canopy (including a gasoline canopy), marquee, umbrella or other similar devices;
- (11) Kiosks;
- (12) Changeable copy signs;
- (13) All signs attached to light poles, power poles or trees (when in the right-of-way);
- (14) Any privately-owned sign located within or partially within a road right-of-way;
- (15) Billboards; and
- (16) Murals.

(Ord. No. 2009-006, § 1(6-6-15), 5-21-2009)

### **Sec. 111-77. Sign location.**

- (a) *Obstructions to doors, windows, or fire escapes.* No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- (b) *Signs not to constitute traffic hazard.* No sign or part thereof, except authorized traffic signs, shall be located in any state, county or town right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two rights-of-way.

(Ord. No. 2009-006, § 1(6-6-31), 5-21-2009)

### **Sec. 111-124. Residential freestanding signs.**

- (a) *Number, size and height of signs.* Lots located in a residential zoning district shall be allowed no more than four freestanding signs not to exceed six square feet each sign. Signs shall not exceed four feet in height. Sign

structures shall not exceed five feet in height. For purposes of determining the maximum height of signs and sign structures, the measurements shall be taken from the grade level of any adjacent street or the grade level of the lot, whichever is higher. Banners shall not be exempt from this section. The freestanding signs allowed in this section shall be temporary signs as that term is defined in this chapter. However, one of the four signs allowed in this section may be a permanent sign. No permit shall be required.

- (b) *Subdivision signs.* Notwithstanding anything herein to the contrary, the sign area of signs at the entrance of a subdivision shall be limited to 40 square feet and six feet in height. If used in conjunction with a wall, the wall shall not exceed five feet in height. The decorative facade, including post and/or columns, shall not exceed seven feet in height. No more than two signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the home owners association (HOA) and shall not be allowed to be on private property. A permit shall be required.
- (c) *Banners.* Banners shall not be more than 24 square feet in size to be displayed not more than 30 days in a calendar year. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than four feet above grade when mounted on the ground. There shall be only one banner displayed at a time. No permit shall be required.
- (d) *Multi-family parcels.* For any multi-family residential property, the number of allowable freestanding signs shall not exceed eight signs not more than six square feet each. Such developments shall also be entitled to two permanent signs at the entrance to the development as regulated in subsection (b) of this section. The property owner shall be responsible for all signage posted on the property. Notwithstanding any provisions within this section to the contrary, signs within the DR-15 zoning district shall be regulated in the same manner as single-family residential zoning districts are regulated. For purposes of this chapter, a DR-15 zoning district shall not be considered to be a multifamily zoning district. A permit shall not be required.

(Ord. No. 2009-006, § 1(6-6-62), 5-21-2009)

## **Sec. 111-157. Freestanding signs.**

- (a) *Number, height and dimensions.* Unless otherwise provided herein, each parcel is allowed one permanent freestanding sign, not to exceed six feet in height, ten feet in width and not more than 40 square feet in area.
- (b) *Multiple businesses parcel.* Each parcel containing multiple businesses shall be entitled to display one permanent freestanding sign. Individual business names are included in the total square footage. The maximum area of the sign shall not exceed seven feet in height, ten feet in width, and not more than 60 square feet in area.
- (c) *Illumination; permit.* Freestanding signs may be externally illuminated. A permit shall be required.
- (d) *Drive-through signs.* Signs as part of a drive-through facility, not visible or legible by the traveling public shall not be regulated by this chapter; however, no individual drive-through sign may exceed 40 square feet.
- (e) *Temporary signage.* Each parcel containing a single business shall be allowed not more than eight aggregate square feet of temporary signage. Each parcel containing multiple businesses shall be allowed not more than 12 aggregate square feet of temporary signage. No temporary sign shall be greater than four feet in height. A permit shall not be required. Sidewalk, sandwich, and A-frame signs may be used as the temporary signage as described in this section. The limitation on aggregate maximum square feet for temporary signage applies to sidewalk, sandwich, and A-frame signs. Sidewalk, sandwich, and A-frame signs may only be displayed during business hours.
- (f) *Subdivision entrance/exit signs.* Notwithstanding anything herein to the contrary, the area of signs at the entrance/exit of a subdivision shall be limited to 40 square feet and six feet in height. If used in conjunction with a wall, the wall shall not exceed five feet in height. The decorative facade, including posts and/or

columns, shall not exceed seven feet in height. No more than two signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the property owners association (POA) and shall not be allowed to be on private property. A permit shall be required.

(Ord. No. 2009-006, § 1(6-6-72), 5-21-2009)

### **Sec. 111-160. Banners.**

Banners shall be allowed for a period not exceeding 21 days, with not more than four such 21-day periods being permitted per calendar year.

- (1) *Size.* Banners shall not be more than 32 square feet. A permit shall be required.
- (2) *Height.* No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five feet above grade when on the ground.

(Ord. No. 2009-006, § 1(6-6-75), 5-21-2009; Ord. No. 2013-03, § 4, 2-7-2013)

### **Sec. 113-163. Recreational vehicle parking.**

Camping trailers, recreational vehicles, travel trailers, camper pick-up coaches, motorized homes, boat trailers and boats shall not be parked on any residentially-zoned or AR lot that has not been improved with a dwelling nor any non-residential lot that has been not been improved with a principal building except in conjunction with the construction of a dwelling or principal building for which a building permit has been issued. Application for a permit for the parking of such recreational vehicles shall be made to the zoning administrator. Such permit shall be issued for a period not to exceed six months and shall not be renewable when associated with the construction of a dwelling. This provision shall not be interpreted as precluding the parking of such recreational vehicles for a period not to exceed 14 days. When parked in conjunction with a dwelling or principal building, the recreation vehicle must meet all applicable setbacks, shall not be parked in the front yard, nor on the street adjacent to the lot, and shall be parked on an improved surface.

### **Sec. 113-164. Non-residential service areas.**

All service areas for non-residential uses shall be established so as not to infringe upon any yard requirement and shall be visually screened from adjacent residential properties.

### **Sec. 113-166. Exterior storage.**

Exterior storage (but not including the parking of vehicles for sale or lease) shall not be permitted in the front yard of any non-residential zoning district and shall be permitted in only the industrial (M-1, M-2) zoning districts and the educational-institutional (E-I) zoning district. Exterior storage located in the educational-institutional (E-I) zoning district shall be screened or fenced or located in a receptacle not to exceed 65 square feet.

(Revised October 3, 2013)

### **Sec. 113-190. Conditional use approval.**

Conditional uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under this section are met. The zoning administrator shall issue a conditional use permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate town/county officials.

- (a) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan must be submitted to the zoning administrator and approved by the appropriate town/county officials. This requirement shall apply to all conditional uses allowed within the various zoning districts except for: farm outbuildings; home occupations; single-family residences; and temporary meeting and/or events which are conducted no longer than 14 days per year.
- (b) *Conditional uses allowed.* The following list comprises the conditional uses allowed pursuant to this section and the zoning districts within which such uses may be found.
- (1) Accessory antenna structures (see also accessory uses). Accessory antenna structures for amateur radio service shall be located a distance of at least one-third the height of the tower from all property lines.
  - (2) Accessory retail sales and service (O-I). Retail sales and service accessory to the operation of an office building or institutional use, conducted wholly within the building housing the use to which these activities are accessory, provided that the floor space used or to be used for these secondary uses shall be limited to a total of ten percent of the net floor area in an office building or institutional use, provided that:
    - a. Every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary use structure;
    - b. No merchandise shall be stored or displayed outside of the primary use structure; and
    - c. Restaurants and cafeterias as an accessory use may be located in a structure other than the primary use structure.
  - (3) Accessory uses and structures incidental to permitted uses. The following provisions apply to accessory uses and structures that are incidental to permitted uses:
    - a. An accessory structure shall be located on the same lot as the principal building to which it is accessory;
    - b. No accessory structure shall be constructed upon a lot until construction of the principal building has commenced;
    - c. An accessory structure shall not be permitted in a front yard in a residential zoning district;
    - d. No accessory structure in a non-residential zoning district shall be used by other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this section;
    - e. A residential accessory structure shall not be rented or occupied for gain; and
    - f. The maximum size of accessory buildings in residential zoning districts shall be according to the size of the lot as follows:

Lot Size	Building Size
0 to 0.999 acres	900 sq. ft.
1 to 1.999 acres	1,200 sq. ft.
2 to 4.999 acres	1,500 sq. ft.
5 to 7.999 acres	1,700 sq. ft.
8 to 9.999 acres	2,000 sq. ft.
10 or more acres	No size limit

(May 11, 2008)

- (4) Animal hospitals and veterinary clinics (O-I, C-1, C-2, M-1). All structures used as an animal hospital or veterinary clinic shall be located and the activities conducted at least 100 feet from any property zoned or used for residential purposes. The use shall comply with the following:
  - a. Adequate soundproofing and odor-proofing shall be provided so the use does not create a nuisance;
  - b. No boarding shall be allowed unless required in connection with medical treatment; and
  - c. No outside runs or kennels shall be allowed.
- (5) Arcade (C-1). Hours of operation shall be within 8:00 a.m. and 9:00 p.m.
- (6) Armored car service (C-2):
  - a. No outdoor storage; and
  - b. Additional parking space requirements.
- (7) Auction yards or establishments (M-1):
  - a. Not allowed within a radius of 500 feet of any public park, public playground, school, church, hospital, and cemetery; within 100 feet of any highway, nor within 500 feet of any residential zoning district;
  - b. Must be screened from view of the road and adjoining property with an opaque fence at least seven feet in height;
  - c. Maximum lot size—Ten acres;
  - d. A minimum 100-foot buffer shall be provided along every property line including a public right-of-way so that junk is not visible from a public street or adjoining properties;
  - e. All structures and storage areas shall be set back at least 200 feet from a public street and adjoining properties in the residential zoning district or the A-R zoning district; and
  - f. Must follow all current state and federal regulations.
- (8) Automatic teller machines (ATMs) (see also accessory uses) (all non-residential zoning districts). The ATM must be attached to an existing building.
- (9) Automobile brokers (C-1, O-I). No stock in trade may be kept on premises unless confined to interior storage.
- (10) Automobile repair. (C-1, C-2):
  - a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
  - b. No outdoor storage of equipment or inventory is permitted.
  - c. All activities shall be carried on entirely within an enclosed building.
  - d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
  - f. In C-1 Districts, no automobile repair business shall be established along the street frontage. All such businesses shall be located behind an existing non-automotive business.
- (11) Automobile service stations (C-2):

- a. Service areas, facilities, and pump islands shall not be located any closer than 75 feet from a residential zoning district or the A-R zoning district;
  - b. Gasoline pump islands, air and water hoses, and vacuum cleaners shall be set back the following distances from street rights-of-way:
    1. Major thoroughfare:
      - (i) Arterial—35 feet;
      - (ii) Collector—30 feet;
    2. Minor thoroughfare—25 feet;
  - c. Canopies shall extend no closer than 15 feet from any street right-of-way;
  - d. Underground storage tanks shall be set back no closer than 20 feet from all property lines; and
  - e. No automotive repairs.
- (12) Automotive parking establishments (C-2). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (13) Automotive rentals (M-1). Rental units must be screened in accordance with the land development ordinance screening requirements.
- (14) Baseball batting cages (C-2, M-1):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen adjacent property;
  - b. Loudspeakers shall be prohibited; and
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- (15) Bed and breakfast (AR, C-1, C-2). Individual guests are prohibited from staying at a particular bed and breakfast for more than 14 consecutive days or more than 45 days in a calendar year with breakfast served at no additional cost.
- (16) Boatyard, truck repair, boat repair, motorcycle repair, automotive parking establishment, golf cart sales and service, automobile impoundment yard, automobile impoundment area (C-2, M-1). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (17) Campground facilities (AR):
- a. Campsites shall be utilized by recreational vehicles and tents (normally associated with outdoor camping), but not by manufactured housing;
  - b. The campground shall be utilized for short-term occupancy of 15 days or less; provided, however, that the property owner or resident manager may permanently occupy one single-family dwelling;
  - c. Said uses shall be permitted only on a lot which possesses at least 60 feet of frontage on a major thoroughfare;
  - d. Minimum lot area—Ten acres;
  - e. Maximum density—Four campsites per gross acre;

- f. A minimum 50-foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (pursuant to the sign ordinance);
  - g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
    - 1. Front yard—75 feet;
    - 2. Side yard—25 feet;
    - 3. Rear yard—25 feet;
  - h. At least ten percent of the gross acreage shall be reserved for recreational areas;
  - i. Accessory uses shall be allowed provided that the following requirements are met:
    - 1. Such uses and structures shall be restricted to the use of occupants of the park and their guests;
    - 2. All structures and use areas shall meet the minimum buffer and setback requirements;
    - 3. Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars;
    - 4. Total floor area for all accessory structures listed above shall not exceed 3,000 square feet;
  - j. The sale of alcoholic beverages and/or automotive gasoline shall be prohibited; and
  - k. The site plan for the proposed campground (including all accessory structures) shall be approved by the Fayette County Health Department.
- (18) Car wash service (C-2). Any impervious surface shall be located on the same lot for the storage of vehicles awaiting service equal to one-third of the practical hourly capacity of the wash machines.
- (19) Cemeteries (C-1, O-I):
- a. Minimum lot area—Ten acres for a human cemetery and five acres for a pet cemetery;
  - b. A crematorium shall be allowed only in conjunction with a cemetery or a mausoleum; not in conjunction with a cemetery as a conditional use with a church;
  - c. Grave sites shall be set back at least 50 feet from all property lines;
  - d. A 20-foot buffer shall be provided in addition to required setbacks along all property lines adjoining an AR zoning district or a residential zoning district;
  - e. A landscaped buffer ten feet in width and no less than six feet in height shall be installed along all side and rear lot lines; and
  - f. Road frontage shall have a fence of stone stucco, wrought iron or similar materials or combination thereof.
- (20) Cemetery as an accessory structure to a church:
- a. All such facilities shall front on a major collector for a distance for at least 100 feet;
  - b. Minimum lot size—One acre;

- c. Maximum lot size—Three acres;
  - d. All buildings shall be set back at least 50 feet from the front property line (35 feet if a corner lot), 40 feet from the rear property line, and 20 feet from side property lines; and
  - e. A densely-planted buffer, no less than six feet in height, having a minimum width of ten feet shall be installed along all side and rear property lines which abut a residential zoning district.
- (21) Child caring institution (AR, RMF, O-I, E-I).
- a. Such facility shall obtain all necessary local and state licenses;
  - b. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of child caring institutions, whichever is greater; and
  - c. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (22) Commercial motor vehicle repairs. (M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
  - b. No outdoor storage of equipment or inventory is permitted unless screened entirely from adjacent properties and all rights-of-way by a solid opaque fence a minimum of six feet in height.
  - c. All repair activities shall be carried on entirely within an enclosed building.
  - d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (23) Commercial motor vehicle sales. (C-2, M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, or playground.
  - b. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - c. Loudspeakers are prohibited.
  - d. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
  - e. Outside storage of other than stock-in-trade is prohibited.
  - f. Stock-in-trade must be stored on an impervious surface.
  - g. Outdoor activities are limited to operating hours from 7:00 a.m. to 9:00 p.m.
  - h. All activities except for sales shall be conducted entirely indoors.
  - i. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (24) Community living arrangement (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).

- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
  - b. Such facility shall obtain all necessary local and state licenses;
  - c. The use is limited to the principal structure only;
  - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of community living arrangements, whichever is greater;
  - e. The owner of the establishment must live on the premises;
  - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
  - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (25) Construction equipment, truck rentals (C-2). Outdoor display must be screened in accordance with the land development ordinance screening requirements. All outdoor storage of equipment and trucks must be on an impervious surface.
- (26) Day care services; home occupation (all residential zoning districts). Home occupation day care services may be established and operated in the town in accordance with the guidelines and procedures set forth below:
- a. Guidelines:
    - 1. A home occupation day care service means a private residence operated by any person who receives pay for the supervision and care for fewer than 24 hours per day, without transfer of legal custody, not more than six children simultaneously, who are under 18 years of age, who are not related to such person and whose parents or guardians are not residents in the same private residence;
    - 2. Not more than 25 percent of a residence may be used for a home occupation day care service and an outdoor play area may be provided;
    - 3. No home occupation day care service may be established and operated in the town until a permit to do so has been obtained in accordance with the procedures set forth below;
    - 4. Must comply with all current state regulations for day care services;
  - b. Procedures:
    - 1. *Permit application.* Persons seeking to operate a home occupation day care service in the town must file a permit application with the town clerk. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of children that will be served simultaneously and that the proposed home occupation day care service will meet and be operated in accordance with all applicable state laws and regulations with all ordinances and regulations of the town;
    - 2. *Decision on application.* Within 30 days of the date the permit application is filed with the town clerk, the town council shall either approve or disapprove the application for a permit to be issued. An application shall be approved only

upon a determination by the town council that the home occupation day care service proposed by the applicant will be operated in compliance with all state regulations, this section and the fire and safety codes of the county; will not constitute too great a concentration of such home occupations as to adversely impact a neighborhood; and that all other requirements of this section have been met; and

3. *Issuance of permits.* Each permit shall become effective on the date it is issued by the town.

(27) Day nurseries and kindergartens (O-I, E-I, C-1):

- a. There shall be not less than 30 square feet of indoor play area for each child at maximum licensed enrollment, and not less than 100 square feet per child of outdoor play area at maximum licensed enrollment;
- b. The outdoor play area shall be enclosed by a fence not less than six feet in height in a location other than the front yard;
- c. A circular drive shall be provided for off-street loading and unloading; and
- d. Must comply with all current state regulations for day care services.

(28) Dog grooming shops (C-1).

- a. All outdoor areas accessible to animals while off-leash shall be enclosed by a fence of at least six feet in height which is secured at the bottom to prevent an animal from digging out of the enclosed area.
- b. Animals shall be supervised at all times while off-leash in outdoor areas.
- c. No breeding of animals shall occur at the facility.
- d. Adequate sound-proofing and odor-proofing shall be provided so that the use does not create a nuisance.
- e. The facility shall be located at least 100 feet from any property residentially zoned or used for residential purposes.
- f. The facility shall obtain all necessary state licenses and shall be in compliance with all applicable state regulations.

(29) Dry cleaning plants (M-2):

- a. Dry cleaning plants using cleaning systems which make use of solvents rated at above 40 by the Underwriter's Laboratories, Inc. Standard of Classification, known as Class I Systems, shall be prohibited;
- a. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five but not less than 40 according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;
- c. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building;
- d. Fuel for operation of the equipment shall be smokeless fuel; and
- e. Central water and central sanitary sewage for systems are required.

- (30) Electric transformer stations, gas regulator stations and telephone exchanges (all zoning districts). The following provisions apply to electric transformer stations, gas regulator stations and telephone exchanges:
- These uses shall be essential for service to the area in which they are located;
  - Any building or structure, except a fence, shall be set back not less than 20 feet from any property line and shall meet all applicable yard requirements;
  - These uses shall be enclosed by a fence not less than eight feet in height;
  - The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner; and
  - The storage of vehicles and equipment on the premises shall be prohibited.
- (31) Electrical supply stores (C-1, M-1):
- Except in the M-1 zoning district there shall be no outdoor storage of materials, supplies or equipment except within a completely fenced area, which is adequately buffered to provide visual screening from the adjoining properties; and
  - In the M-1 zoning district, outdoor storage shall be at least 50 feet from the street right-of-way line.
- (32) Farmers' markets (C-2):
- Weekend business license only;
  - Written permission of the property owner shall be obtained prior to licensing and permitting of the operation; and
  - Hours of operation limited from 8:00 a.m. to sundown.
- (33) Farming structures (AR). All farming-related structures shall be located at least 100 feet from property lines, and must comply with the conditions set out for accessory structures.
- (34) General building contractors (O-I, C-1, C-2, M-1, M-2). There shall be no exterior storage of equipment, materials or construction vehicles in any district other than the M-2 zoning district. Any outdoor storage must be placed on an impervious surface.
- (35) Golf cart sales and service (C-2). All stock-in-trade must be screened in accordance with screening provisions in the land development ordinance and stock-in-trade must be stored on an impervious surface.
- (36) Golf driving ranges (C-2, M-1):
- All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any AR or residential zoning district;
  - All structures, greens, fairways, and parking areas shall be set back at least 50 feet from any non-residential zoning district;
  - Said facilities shall be for daytime use only except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multi-family residence provided that lighting is oriented away from adjacent property; and
  - No outside loudspeaker system shall be utilized.
- (37) Golf courses and clubhouses (A-R, M-1, C-2):
- The golf course shall be a minimum of nine holes;

- b. Any building or structure established in connection with this use shall be set back not less than 100 feet from any property line, except where the property line is a street line. The front yard setback established for the zoning district shall apply. When a property line is on a natural waterway, a property line setback shall be in accordance with the Soil Erosion and Sediment Control Act and this section, whichever is greater; and
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and or roadways.
- (38) Group home (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).
- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
  - b. Such facility shall obtain all necessary local and state licenses;
  - c. The use is limited to the principal structure only;
  - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of group homes, whichever is greater;
  - e. The owner of the establishment must live on the premises;
  - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
  - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.
- (39) Gun shops (C-2):
- a. Must have 12 inch bollards 42 inches high four feet apart which are designed to prevent vehicles from entering the front doors and which meet ADA standards;
  - b. Must have a steel roll down gate in front of the entrance to prevent unauthorized entry;
  - c. Operating hours must be limited to the time period between 10:00 a.m. and 8:00 p.m.;
  - d. Must have an alarm system on the building to notify of unauthorized entry;
  - e. Must have a camera security system to monitor building at all times for unauthorized activity;
  - f. Must have concrete poured walls in any area involving discharge of fire arms;
  - g. Must have a certified range safety officer on duty at all times;
  - h. Must meet all applicable standards established for lead management and Occupational Safety and Health Administration (OSHA) compliance for indoor shooting ranges, as published by the National Association of Shooting Ranges and OSHA;
  - i. Must install an intercom system within the facility; and
  - j. Must install a seven-inch wide, four-foot tall concrete block wall along the property line shared with any other business for a distance of at least 65 feet.
  - k. Gun shops may also have a firing range as an accessory use.

- (40) Health clubs or day spas (O-I, C-1, C-2). Private treatment rooms are required for each client receiving a personal service, and the use must comply with all state requirements.
- (41) Home occupations (All residential zoning districts):
- a. No use shall create noise, dust, vibration, smell, smoke, glare or electrical interference that would be detectable beyond the dwelling unit or accessory building;
  - b. The use shall be conducted entirely within the dwelling unit or accessory building and only persons living in the dwelling unit shall be employed at the location of the home occupation;
  - c. No more than 30 percent of the dwelling unit may be used for the conduct of the home occupation;
  - d. No materials, equipment shall be stored or parked on the premises of the home occupation unless they are confined entirely within the residence. In addition, there shall be no storage of mechanical earthmoving equipment at the location of the home occupation unless the property area exceeds five acres; and
  - e. No home occupation shall be operated so as to create or cause a nuisance.
- (42) Hospital (C-2, M-1, M-2, O-I):
- a. Minimum lot size—Ten acres;
  - b. Such use shall be permitted only on a lot which fronts on an arterial thoroughfare;
  - c. A minimum 50-foot buffer plus the required setbacks shall separate all buildings from any residential or AR zoning district;
  - d. Minimum setbacks:
    1. Front yard—100 feet;
    2. Side yard—50 feet;
    3. Rear yard—50 feet; and
  - e. Support services, such as pharmacies, public cafeterias and gift shops, are allowed provided such services are in conjunction with, and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure.
- (43) Independent living facilities (C-1). Must be part of a care home facility campus.
- (44) Indoor pet boarding (C-1):
- a. All outdoor areas accessible to animals while off-leash shall be enclosed by a fence of at least six feet in height which is secured at the bottom to prevent an animal from digging out of the enclosed area.
  - b. Animals shall be supervised at all times while off-leash in outdoor areas.
  - c. No breeding of animals shall occur at the facility.
  - d. Adequate sound-proofing and odor-proofing shall be provided so that the use does not create a nuisance.
  - e. The facility shall be located at least 100 feet from any property zoned or used for residential purposes.

- f. The facility shall obtain all necessary state licenses and shall be in compliance with all applicable state regulations.
- (45) Junkyard (M-2):
- a. Not allowed within a radius of 500 feet of any public park, public playground, school, church, hospital, and cemetery; within 100 feet of any highway, nor within 500 feet of any residential zoning district;
  - b. Must be screened from view of road and adjoining property with an opaque fence at least seven feet in height;
  - c. Maximum lot size—Ten acres;
  - d. A minimum 100-foot buffer shall be provided along every property line including public right-of-way so that junk is not visible from a public street or adjoining properties;
  - e. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or AR zoning district; and
  - f. Must follow all current state and federal regulations.
- (46) Kennels (M-2, AR). All structures used as boarding or breeding kennels shall be located and activities conducted at least 400 feet from any property zoned or used for residential purposes.
- (47) Laundromat, self-service or otherwise (C-2). Central water and central sanitary sewage systems are required.
- (48) Laundry and dry cleaning establishments, including pick-up stations, package plants and coin-operated facilities (C-1, C-2). The establishment is limited to a floor area not exceeding 4,000 square feet.
- (49) Livestock (AR):
- a. Livestock shall only be permitted on a fenced lot containing two or more acres for one animal, or one and one-half acres for each animal if more than one; and
  - b. All buildings used for animals shall be set back not less than 200 feet from any property line.
- (50) Lumber, hardware and other building material establishments (C-2, M-1). Outdoor storage shall be at least 50 feet from the street right-of-way line.
- (51) Miniature golf courses (C-2):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
  - b. Loudspeakers shall be prohibited;
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
  - d. No outdoor activities after 11:00 p.m.
- (52) Automobile sales. (C-2, M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, or playground.

- b. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - c. Loudspeakers are prohibited.
  - d. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
  - e. Outside storage of other than stock-in-trade is prohibited.
  - f. Stock-in-trade must be stored on an impervious surface.
  - g. Outdoor activities are limited to operating hours from 7:00 a.m. to 9:00 p.m.
  - h. All activities except for sales shall be conducted entirely indoors.
  - i. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (53) Nursing home (RMF, O-I, E-I, C-2).
- a. Such facility shall obtain all necessary local and state licenses; and
  - b. There shall be a maximum of 20 beds per gross acre of development.
- (54) Outdoors sports facilities and swimming pools (C-2):
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
  - b. Loudspeakers shall be prohibited;
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
  - d. No outdoor activities after 11:00 p.m.
- (55) Paint, glass and wallpaper stores (C-1, C-2). There shall be no outdoor storage of materials, supplies or equipment.
- (56) Personal care home (AR, CR-2, CR-3, R-20, R-18, R-12, DR, TR, RMF, MHP).
- a. The principal structure shall contain a residential facade architecturally similar to adjacent buildings;
  - b. Such facility shall obtain all necessary local and state licenses;
  - c. The use is limited to the principal structure only;
  - d. All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater;
  - e. The owner of the establishment must live on the premises;
  - f. Unless located in a district permitting two-family or multi-family dwellings, no more than four individuals not related to the owner by blood or marriage shall reside on the premises; and
  - g. Inspections may be performed by the town to determine whether or not said facility is in compliance with these conditions.

- (57) Plant nurseries (C-2, M-1). Any structure used as a commercial plant nursery shall be set back at least 100 feet from any property zoned or used for residential purposes.
- (58) Public utility facilities (O-I, C-1, C-2, M-1, M-2):
- a. Minimum lot size—Five acres;
  - b. All structural parts of the facility shall be contained within the boundaries of the parcel;
  - c. An eight-foot high fence capped with barbed wire with a locked gate shall surround the facility;
  - d. If electrical current is present in the facility, signs stating "high voltage" shall be attached to the fence every 20 linear feet; and
  - e. A 100-foot undisturbed buffer is required adjacent to all property lines.
- (59) Recycling facility (M-1):
- a. All separation and processing (baling, compacting, grinding or shredding) must occur entirely within an enclosed building;
  - b. A convenient paved drop-off area must be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns must be indicated on the site plan;
  - c. All outside storage of recyclable materials must be on a paved surface within fully enclosed bins with hinged lids or other access points which can be closed; and
  - d. All outside storage areas shall be screened according to the development regulations. Storage bins cannot be greater in height than the screening.
- (60) Religious institutions (all residential zoning districts):
- a. Religious institutions must be located on a lot of at least five acres and have 100 feet of street frontage;
  - b. A 50-foot buffer adjacent to residential zoning district is required;
  - c. Driveways and parking areas are exempt from setbacks;
  - d. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties;
  - e. Additional accessory uses and facilities that are customarily associated with religious institutions and intended primarily for the use of worshipers are permitted such as:
    1. Outdoor recreation facilities 10,000 square feet or smaller;
    2. Indoor recreation facilities such as gymnasiums, health, and fitness facilities;
    3. Recreation center and club;
    4. Cemetery or mausoleum;
    5. Museum;
    6. Adult day care center;
    7. Child day care center;
    8. Kindergarten;
    9. Private school;

10. One dwelling for an employee of the place of worship;
  11. No outdoor activities are permitted to take place after 10:00 p.m.;
  12. The scale, intensity and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous residential properties;
  13. Must comply with the AR zoning district setbacks;
  14. Landscape area shall be required in accordance with the land development regulations;
  15. The construction of one open air pavilion utilized for picnics /social gatherings only is allowed under the following conditions:
    - (i) Minimum lot size—15 acres;
    - (ii) The pavilion must be at least 150 feet from any property line;
    - (iii) The pavilion must be constructed following the construction of the main sanctuary building;
    - (iv) The floor area cannot exceed 20 percent of the square footage of the main sanctuary building;
    - (v) The pavilion may not be lighted or used after 10:00 p.m.; and
  16. Church or religious tent meetings must comply with and obtain a special events permit.
- (61) School (private, parochial and/or special) and incidental sports arena, stadium or recreational field (E-I, C-1, C-2):
- a. Minimum lot size—One acres;
  - b. A minimum 100-foot wide buffer plus required setbacks shall be provided adjacent to any residential or AR zoning district;
  - c. Outdoor recreation areas shall not be located within 150 feet of an adjoining residential or AR zoning district. Outdoor lighting for recreation purposes shall not be permitted after 10:00 p.m.;
  - d. Student drop-off and vehicular turn-around facilities shall be provided on the site;
  - e. The construction of one open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions
    1. Minimum lot size—40 acres;
    2. The pavilion must be at least 150 feet from any property line;
    3. The pavilion must be constructed following the construction of the main school building;
    4. The floor area cannot exceed 20 percent of the square footage of the main school building; and
    5. If the pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed 20 percent of the main school building square footage.

## (62) Self-storage warehouses (M-1):

- a. The development will be screened from view from any right-of-way;
- b. Development with visible exterior "drive-up" doors shall be limited to a single story. Development with all indoor storage units only accessible through interior corridor hallways shall be limited to two stories with an interior mezzanine level that is not visible to the right-of-way;
- c. Hours of operation will be limited to 7:00 a.m. to 9:00 p.m. (does not prohibit access to storage units);
- d. All lighting will be directed downward and inward. After hours lighting will be reduced as to minimize lighting impacts on adjacent and nearby developments;
- e. Impervious surface area is limited to 70 percent of the parcel (May 5, 2007);
- f. Storage of vehicles, boats, and trailers, shall be located so that they are not visible from view from adjacent residential areas and public roads with any combination of privacy fence and /or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed 25 percent of the overall gross square footage of all buildings. All covered storage must have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street and must be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of 50 feet wide unless it is angle parking; and
- g. No exterior loudspeakers or paging equipment shall be permitted on the site.

## (63) Sexually oriented business (M-2):

- a. It is not located within 1,000 feet of:
  - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - 2. A public or private educational facility including but not limited to child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - 3. A boundary of a residential zoning district;
  - 4. A public park or recreational area which has been designated for park or recreational activities included but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land which is under the control, operation or management of the town parks and recreation authorities;
  - 5. The property line of a lot devoted to a residential use;
  - 6. An entertainment business which is oriented primarily toward children or family;
  - 7. The premises of a business licensed pursuant to the alcoholic beverage regulations of the state;

- b. It is not located within 1,500 feet of another sexually oriented business; and
  - c. It is not located within the same building, structure or portion thereof containing another sexually oriented business.
- (64) Small engine sales and repair. (C-1, C-2, M-1):
- a. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.
  - b. No outdoor storage of equipment or inventory is permitted.
  - c. All activities shall be carried on entirely within an enclosed building.
  - d. The use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.
  - e. All overhead doors must face the side and/or rear yard or be screened from view from the street.
- (65) Special trade contractors (O-I, C-1, M-1, M-2). There shall be no exterior storage of equipment, materials or construction vehicles in any district other than the M-2 zoning district. Any outdoor storage must be placed on an impervious surface.
- (66) Temporary carnival or rodeo (AR):
- a. Said carnival or rodeo shall not be operated longer than seven days;
  - b. Tents shall require the approval of the Fayette County Fire Marshal;
  - c. Off-street parking shall be required; and
  - d. Outdoor lighting for activities shall not be permitted after 11:00 p.m.
- (67) Tennis court, club and facilities (C-2);
- a. The facility shall be enclosed by a wall or fence and buffer area ten feet in depth to screen the adjacent properties, the fence or wall must be at least six feet in height and any portion over six feet must be transparent;
  - b. Loudspeakers shall be prohibited;
  - c. Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and
  - d. No outdoor activities after 11:00 p.m.
- (68) Waste facility (M-2):
- a. No outside storage of waste or waste containers shall be permitted;
  - b. No waste shall be stored on-site over 24 hours;
  - c. No waste facility shall be located within 1,000 feet of any AR or residential zoning district, park, playground, or other public land;
  - d. No waste facility shall be located within 5,000 feet of another waste facility; and
  - e. No waste facility shall be located within 1,000 feet of any state or federal highway right-of-way (November 20, 1997).

(Revised March 1, 2012; June 6, 2013; February 6, 2014; June 5, 2014; October 2, 2014; April 2, 2015; August 6, 2015; Ord. No. 2017-01, §§ 1, 2, 5-4-2017; Ord. No. 2017-07, § 1, 7-6-2017; Ord. No. 2018-07, §§ 5—9, 5-17-2018; Ord. No. 2018-08, § 1, 10-18-2018; Ord. No. 2020-05A, § 2, 9-17-2020)

### **Sec. 113-211. Off-street automobile parking.**

- (a) *Plans required.* A parking plan for all non-residential and multi-family uses shall be submitted to the town with the site plans.
- (b) *Design standards.* All parking facilities, including entrances, exits and maneuvering areas, shall:
  - (1) Have access to a public street;
  - (2) Be graded and paved (including access drive(s)), including access drive(s), and be curbed when needed for effective drainage control as determined by the Town of Tyrone Engineer and Environmental Specialist;
  - (3) Have all spaces marked with paint lines, curb stones or other similar designations;
  - (4) Be drained so as to prevent damage to abutting properties or public streets;
  - (5) If a parking area is established within a residential zoning district for a non-residential use, provide a 20-foot wide continuous visual buffer at least four feet in height between the parking area and the abutting residential property;
  - (6) Provide adequate lighting if the facilities are to be used at night. The lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties or streets;
  - (7) Not be established in the front yard of any residential zoning district except for a single-family residential use; no more than 35 percent of the front yard may be paved or used for parking; and
  - (8) The provisions of paragraphs (2), (3), (5), and (6) of this subsection shall not apply to single-family residential uses where three or less spaces are required.
- (c) *Parking area:*
  - (1) Parking stalls shall have a minimum width of nine feet and a minimum length of 18 feet;
  - (2) There shall be provided adequate interior driveways to connect each parking space with a public right-of-way;
  - (3) Interior driveways shall be:
    - a. At least 24 feet wide where used with 90 degree angle parking;
    - b. At least 18 feet wide where used with 60 degree angle parking;
    - c. At least 12 feet wide where used with 45 degree angle parking;
    - d. At least 12 feet wide where used with parallel parking, or where there is no parking;
    - e. At least 12 feet wide for one-way traffic movement; and
    - f. At least 24 feet wide for two-way traffic movement.
  - (4) Curb return radii shall not exceed 15 feet nor be less than ten feet.
- (d) *Joint use of parking facilities.* The required parking space for a number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking spaces required for churches, theatres or assembly halls whose peak

attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

- (e) *Shared parking arrangements.* Two or more uses may share parking without providing the minimum number of on-site required spaces for each use, under all of the following conditions:
- (1) The minimum required number of parking spaces for the combined uses may be reduced by 20 percent for shared parking when hours of operation overlap.
  - (2) Off-site spaces shall be within 1,000 feet walking distance of a building entrance or use as measured from the parking area entrance along pedestrian walkways. If the pedestrian walkway access is to cross an arterial street, appropriate safety measures must be present to help the pedestrian cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk, crosswalk, or path, must exist or be provided from the structure or use to the parking area.
  - (3) When the hours of operation do not overlap, the parking area to be shared must contain at least the minimum required spaces of the largest individual use sharing the lot and shall be developed to the extent of at least being designated according to the standards of this chapter.
  - (4) The parking area to be shared must be owned by the owner of one of the uses or leased for at least a 20-year term or through a permanent easement by the owner of the uses being served.
  - (5) No changes shall be made to the shared parking area which would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without Town approval.
  - (6) Handicap parking spaces cannot be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and no inconvenience to the users of such spaces would be created.
  - (7) Loading spaces shall not be shared.
  - (8) Any proposed change in the use of a structure that shares a parking area will require proof that adequate parking is available.
- (f) *Proximity to public parking.* If a site lies within 1,000 feet walking distance of a public parking area, the minimum parking requirements shall be 20 percent less than otherwise required by this section.
- (g) *Use of area.* No parking area may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment unless such activity is allowed in the zoning district in which the parking area is located.
- (h) *Location and surface of parking areas.* The parking of any vehicle on any lot in any zoning district on other than a surface treated and hardened to accommodate the vehicle is prohibited. In addition, parking of vehicles in the front yard or in front of the principal building line in a residential zoning district shall be prohibited except on a hard-surfaced driveway or in a carport or garage.
- (i) *Parking of business vehicles.* In any residential or multi-family zoning district, no prohibited business vehicle or school bus used for transporting students to either public or private schools shall be allowed to park on parcels so zoned or on streets abutting such parcels except during daylight hours and only for the purpose of making deliveries, pickups and providing services. A prohibited business vehicle is defined as a vehicle with a gross vehicle weight rating (GVWR) in excess of 26,000 pounds, or a vehicle with more than two axles, or a vehicle designed to transport at least 15 passengers (including the driver). Business vehicles with a GVWR of less than 26,000 pounds, or less than three axles, or those designed to carry less than 15 passengers (including the driver) shall not be parked on streets abutting such parcels. This provision shall not be construed as restricting in any way the normal business vehicle activity associated with development and construction.
- (j) *Required spaces.* The number of parking spaces or area required for a particular use shall be as follows:

- (1) *Automobile sales and repair garage.* One space per employee plus one space for each 150 square feet of gross floor area;
- (2) *Automobile service station.* Three spaces for each service bay, with a minimum often spaces required;
- (3) *Business, professional offices and clinics.* One space per 250 square feet of gross floor area;
- (4) *Bowling alleys, religious institutions and other places of assembly.* One space per four seats in the main auditorium or 100 square feet in the largest assembly room (10/18/07);
- (5) *Commercial, manufacturing and industrial establishments.* One space per 2,000 square feet of gross office, plant and storage area;
- (6) *Delivery, ambulance and other similar services.* One space for each vehicle, plus one additional space for each two employees;
- (7) *One-, two- and three-family dwellings.* Two spaces per dwelling unit plus one space for each 200 square feet of clubhouse, or other common structure;
- (8) *Food stores.* One space per 100 square feet of gross floor area;
- (9) *General business, commercial or personal service establishments.* Five and one-half spaces per 1,000 square feet of gross floor area;
- (10) *Hospitals, care homes and similar institutions.* One space per two beds plus one space for each staff member or visiting doctor, plus one space for each employee;
- (11) *Hotels and motels.* One space for each guest room plus one space for each 200 square feet of accessory uses such as convention halls, banquet rooms, lounges, restaurants or similar accessory uses;
- (12) *Lodges, fraternal or social organizations.* One space per 100 square feet of gross floor area;
- (13) *Manufactured homes.* Two spaces for each manufactured home lot;
- (14) *Restaurants, night clubs, taverns and similar establishments serving food or beverages and providing patron use area.* One space per 75 square feet of gross floor area;
- (15) *Restaurants, drive-in (without area provided for patron use).* One space per 100 square feet of gross floor area;
- (16) *Shopping centers.* Five and one-half spaces per 1,000 square feet of gross floor area;
- (17) *Schools, public or private elementary.* Two spaces per classroom;
- (18) *Schools, public or private middle, high, trade, exam preparation and tutoring, colleges and universities.* Five spaces per classroom;
- (19) *Skating rinks, dance halls, poolrooms, and other places of amusement or assembly without fixed seating.* One space per 200 square feet of gross floor area;
- (20) *Swimming pool, golf course, neighborhood recreation center or similar use.* One space per five members but not less than 20 spaces except that golf courses shall require a minimum of 20 spaces per nine holes;
- (21) *Theaters, auditoriums funeral homes, gymnasiums, stadiums and other places of assembly with fixed seating.* One space per three seats;
- (22) *Theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly without fixed seating for the accommodation of movable seats in the largest assembly room.* One space per 25 square feet of gross floor area available; and

- (23) *Wholesale establishments or other similar uses.* One space per 200 square feet of gross floor area devoted to sales or display plus two spaces per 2,000 square feet of gross storage area.

( Ord. No. 2021-03 , § 1, 2-18-2021)

**COUNCIL AGENDA ITEM COVER SHEET****Meeting Type:** Council - Regular**Meeting Date:** July 21, 2022**Agenda Item Type:** New Business**Staff Contact:** Brandon Perkins, Town Manager

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**STAFF REPORT****AGENDA ITEM:**

Consideration of the adoption of a new ordinance regulating Tourist Accommodations.

**BACKGROUND:**

The operation of tourist accommodations, or short term rentals, is a new and growing phenomenon across the U.S. because it allows virtually anyone to generate income by renting their home, a room in their home, or a similar space designed for habitation to individuals for periods of less than 30 days. Tyrone currently has at least 16 short term rentals listed within its jurisdictional boundaries and that number is sure to grow over the next few years.

Tourist accommodations are currently unregulated in Tyrone, meaning that anyone can begin hosting individuals in their homes at any time without registering with the Town and without inspections to ensure that the space is safe for hosting individuals. These operations are clearly businesses and should be regulated as such, so before you tonight is a newly drafted Town ordinance that, if passed, provides a basic level of regulation over these operations to include a requirement to be permitted by the Town and to meet certain health and safety standards before receiving a permit. Nothing about this ordinance prohibits the operation of tourist accommodations.

It should be noted that one existing operation in Tyrone has become notorious for being rented as a "party house". This proposed ordinance prohibits this kind of activity and limits the number of people a given property may accommodate (2 per bedroom).

**FUNDING:**

None required.

**STAFF RECOMMENDATION:**

Staff recommends approval of this ordinance.

**ATTACHMENTS:**

Draft Ordinance.

**PREVIOUS DISCUSSIONS:**

*Section X, Item 8.*

N/A

**STATE OF GEORGIA**

**TOWN OF TYRONE**

**ORDINANCE**

**NO. 2022-\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE TOWN OF TYRONE, GEORGIA; TO ENACT REGULATIONS PERTAINING TO TOURIST ACCOMMODATIONS; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TYRONE AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF THE TOWN OF TYRONE AS IT PERTAINS TO LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS (CHAPTER 22), BE AMENDED AS FOLLOWS:**

**Section 1.** By designating Sections 22-646 through 22-22-660 of Article XI of Chapter 22 as “Reserved”, and by adding a new Article XII, pertaining to “Tourist Accommodations”, to Chapter 22, to be numbered and read as follows:

**ARTICLE XII. TOURIST ACCOMMODATIONS.**

**Sec. 22-661. Definitions.**

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

different meaning:

*Bed and breakfast inn* shall mean an establishment which serves food to its registered guests and not to the public at large. This term shall include establishments serving breakfast or a similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. The length of stay for bed and breakfast inns as defined is limited to not more than 30 consecutive days. For the purposes of this article, this term shall mean an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of guest and innkeeper.

*Innkeeper* shall mean any person who is furnishing for value to the public any room(s), lodging, or accommodations.

*Local contact person* shall mean a person who has access and authority to assume management of the tourist accommodation and take remedial measures.

*Occupancy, transient* shall mean occupancy or use by a paying guest or tenant for a period of less than thirty (30) consecutive days or by the offering or advertising of a residence as being available in whole or in part to be used for such occupancy. Such occupancy is characteristic of tourist accommodations or other establishments, by whatever name called.

*Operator* shall mean any person operating a tourist accommodation (as defined in this Section) in the Town, including but not limited to the owner or proprietor of the premises, lessee, sub-lessee, lender in possession, or any other person otherwise operating a tourist accommodation.

*Overnight guest* shall have the same meaning as the term “tourist”.

*Premises* shall mean and include all physical buildings, appurtenances, parking lots, and all property owned and/or used by and for the tourist accommodation.

*Special event* shall mean an organized occasion such as a social function, to include but not be limited to weddings, receptions, reunions, retreats, and meetings.

*Tourist* shall mean anyone who has a home address somewhere other than where he or she is spending the night and other than where he or she pays a fee for accommodations.

*Tourist accommodation* shall mean any property, facility, or structure providing accommodations for value to the public for not more than 30 consecutive days.

*Town* shall mean the Town of Tyrone, Georgia.

*Town manager* shall mean the Town Manager for the Town of Tyrone, Georgia, or his or her designee.

*Traveler* shall have the same meaning as the term “tourist”.

**Sec. 22-662. Permit required.**

(a) Every person engaging in or about to engage in business as an operator of a tourist accommodation in the Town shall immediately apply and obtain approval for the business with the Town Manager on the forms provided by the same for such business. Persons engaged in such business must obtain a permit no later than thirty (30) days after this Section becomes effective; but such grace period for registration after the effective date of this section shall not relieve any person from the obligation of payment or

collection of such permit fee on and after the date of imposition thereof. The required permit hereunder shall set forth the name under which the operator transacts business, and other such information as would be required by the Town Manager. The permit application shall be signed by the owner if a natural person, by a member or partner in case of ownership by partnership, or an officer in the case of corporation.

(b) A local contact person who has access and authority to assume management of the tourist accommodation and take remedial measures shall be required. The operator may designate himself or herself as the local contact person. The local contact person shall be required to respond to the location of the tourist accommodation after being notified by Law Enforcement or other representative of the Town of the existence of a violation of this code section, any other sections of the Code of the Town of Tyrone, or any disturbance requiring immediate remedy or abatement.

(c) A separate permit will be required for each location of business.

**Sec. 22-663. Application for permit.**

(a) Each person seeking to obtain a permit to operate a tourist accommodation shall submit an application to the Town Manager on a form provided by the same. Said application shall include:

- (1) A statement that each applicant is a citizen or legal resident of the United States;
- (2) The address of the tourist accommodation;
- (3) The current set room rates and fees;

- (4) Consent by each applicant to undergo a criminal background check;
  - (5) A copy of a deed showing the applicant to be the owner of the premises for which the permit is sought or a copy of a lease showing any interest the owner of the premises has in the tourist accommodation for which the license is sought;
  - (6) All state and local permits pertaining to the operation of tourist accommodations, including approvals of Fayette County Health Department and Fayette County Fire Marshal as to maximum permitted capacity, approvals by the Town of Tyrone Planning & Zoning Department as to zoning of the premises and as to compliance with all property maintenance and building codes;
  - (7) Certified plans of the property and structure;
  - (8) Copy of the guest occupancy agreement as required by O.C.G.A. § 43-21-3.2;
  - (9) Documents showing compliance with state and local occupation taxes, excise taxes and sales taxes;
  - (10) Local contact person information as required herein; and
  - (11) Any other information as required by the Town Manager or the Mayor and Council.
- (b) All applications for a permit to operate a tourist accommodation shall be accompanied by the payment of a permit fee as set in a schedule of fees adopted by the Mayor and Council.

(c) The Town Manager shall review the application and all supporting documents and, if all requirements of this article have been satisfied, shall issue a permit as described in section 22-664 of this Article.

**Sec. 22-664. Issuance of permit.**

- (a) Upon determining that the applicant has satisfied all requirements of this Article, the Town Manager shall issue the appropriate permit for the year in which approval was granted.
- (b) No permit shall be issued for any tourist accommodation where any individual having interest either as an operator, owner, partner, principal stockholder, or licensee, whether such interest is direct or indirect, or beneficial or absolute, has been convicted or has taken a plea of nolo contendere within five (5) years for a felony or any crime involving moral turpitude, or has been convicted or has taken a plea of nolo contendere within two (2) years for any misdemeanor of any state or of the United States or any municipal or county ordinance which would have any effect on the applicant's ability to properly conduct such business, except traffic offenses. The term "conviction" as used in this section shall include adjudication of guilty plea, plea of nolo contendere or forfeiture of a bond when charged with a crime.

**Sec. 22-665. Annual renewal of permits.**

All permits issued pursuant to this Article are annual permits that run from January 1 to December 31 of each year. Holders of existing permits in good standing

shall apply to the Town Manager for renewal for the next calendar year by filing a renewal application in proper form and tendering the required fees. Fees for renewal of permits shall be according to a schedule of fees adopted by the Mayor and Council.

**Sec. 22-666. Transfer of permits.**

No permit issued pursuant to this Article shall be transferred from one owner to another. Any violation of this Section shall constitute due cause for probation, suspension, or revocation of the permit granted by the Town Manager.

**Sec. 22-667. Display of permit.**

- (a) Every holder of a permit issued pursuant to this Article shall keep such permit conspicuously displayed at all places where such business is conducted.
- (b) Each tourist accommodation shall post a legible notification, clearly visible to all guests containing the following information:
  - (1) The name and contact information of the owner/local contact person and the telephone number at which that party may be reached on a 24-hour basis.
  - (2) The maximum number of overnight occupants permitted.
  - (3) Notification that an occupant may be cited and fined for creating a disturbance or for violation this code section or any other sections of the Code of the Town of Tyrone.
  - (4) Notification that the tourist accommodation location cannot be utilized for

special events or private functions as defined herein.

**Sec. 22-668. Revocation of permit.**

(a) *Grounds.* Any permit issued pursuant to this Article may be revoked by the Mayor and Council, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for the permit;
- (2) Any fraud, misrepresentation or false statement made in connection with any transaction;
- (3) Any violation of this Article; or
- (4) The conducting of the business permitted under this Article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health safety or general welfare of the public.

(b) *Hearing.*

- (1) Notice of hearing for the revocation of a permit issued pursuant to this Article shall be given by the Town Manager in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be served on the holder of the permit by handing the same personally to the person operating the permitted business, or by mailing the same, postage prepaid, to the holder of the permit at his or her last known address at least five (5) days prior to the date set out for the hearing.

- (2) The giving of such notice shall suspend the permit pending the outcome of the hearing, and any business conducted under the permit shall cease during said period of suspension.

**Sec. 22-669. Records.**

Each operator of a tourist accommodation is required to keep a guest register. Each guest shall register on the date of their arrival, stating their names, current residence, address and description and license plate number of the vehicle they are using. Each operator of a tourist accommodation shall keep for a period of at least three (3) years the above-described register, along with all records, receipts, invoices and other pertinent papers setting forth rental charged for each occupancy, the date or dates of occupancy, and such other information as required by the Town Manager. Said records shall be made available for examination by the Town Manager, the County Health Department, or any authorized law enforcement agency.

**Sec. 22-670. Standards for health, sanitation and safety.**

- (a) All operators of tourist accommodations shall comply with all rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department for the operation of tourist accommodations.
- (b) Toilet, lavatory and bathing facilities shall be provided at all tourist accommodations. Such facilities shall be easily accessible, convenient and available to patrons at all times and operated pursuant to all applicable rules and regulations

promulgated by the Georgia Department of Public Health and the Fayette County Health Department.

(c) In areas of the Town of Tyrone where public sewer is not available, sewage disposal shall be provided to efficiently dispose of all water carried wastes in a sanitary manner pursuant to all applicable rules and regulations promulgated by the Georgia Department of Public Health and the Fayette County Health Department.

(d) All plumbing in tourist accommodations shall comply with all applicable state and local rules and regulations.

**Sec. 22-671. Alterations to structure and signs.**

No exterior alterations may be made to a residence to indicate that it is being used as a tourist accommodation.

**Sec. 22-672. Operating regulations.**

(a) A bed and breakfast inn shall be permitted subject to the following:

- (1) The bed and breakfast inn is compliant with Section 113-190(b)(15) of the Town's Zoning Ordinance.
- (2) Meal service may be provided to registered guests only provided that all state and local rules and regulations for the operation of food service establishments are complied with and all state and local permits for the operation of a food service establishment are obtained.
- (3) No food preparation, except beverages, is permitted within individual

guestrooms.

- (b) Operators of tourist accommodations, other than operators of a bed and breakfast inn, shall not be permitted to serve food to guests for sale or otherwise and no food preparation, except beverages, is permitted within individual guestrooms.
- (c) No detached structures or recreational vehicles shall be used as a tourist accommodation.
- (d) Only a bedroom shall be used as a guestroom.
- (e) No more than two guests shall be allowed per guestroom.

**Sec. 22-673. Special events.**

Special events are not permitted at tourist accommodations located in a residential or AR zoning district.

**Sec. 22-674. Violations.**

- (a) It shall be unlawful for any operator to commit any of the following acts:
  - (1) Fail to keep the guest register and any other records required by this Article for the time period so specified;
  - (2) Make any false entry therein;
  - (3) Falsify, obliterate, destroy or remove from his or her place of business such register or records;
  - (4) Refuse to allow any duly authorized law enforcement officer after proper identification to inspect such register or records during the ordinary hours

of business or at other reasonable time; or

- (5) Fail to obtain from any guest the identification required by this Article.
- (b) Any person violating any provision of this Article shall be subject to a fine not exceeding \$1,000.00 and costs or to imprisonment for a term not exceeding sixty (60) days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the judge. The infliction of a penalty under the provisions of this Section shall not prevent the revocation of any permit or the taking of other punitive or remedial action where called for or permitted under the provisions of this Code.

**Secs. 22-675 through 22-690. RESERVED.**

- Section 2.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the Town of Tyrone.
- Section 3.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 4.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or

unconstitutional were not a part thereof. The Mayor and Council hereby declare that they would have passed the remaining parts of this Ordinance if they had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**SO ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

MAYOR AND COUNCIL OF  
THE TOWN OF TYRONE

By: \_\_\_\_\_  
Eric Dial, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Dee Baker, Town Clerk

Approved as to form:

\_\_\_\_\_  
Town Attorney



## COUNCIL AGENDA ITEM COVER SHEET

**Meeting Type:** Council - Regular

**Meeting Date:** July 21, 2022

**Agenda Item Type:** New Business

**Staff Contact:** Brandon Perkins, Town Manager

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### STAFF REPORT

**AGENDA ITEM:**

Approval of a fee for the registration of Tourist Accommodations.

**BACKGROUND:**

If passed, Sec. 22-663, Paragraph (b) of the Tourist Accommodation ordinance requires the applicant to pay a fee as part of the registration process. The language in the ordinance states that said fee will be adopted by the Mayor and Council.

Staff proposes a fee of \$100.00.

**FUNDING:**

None required.

**STAFF RECOMMENDATION:**

Staff recommends approval to set the Tourist Accommodation permit application fee at \$100.00.

**ATTACHMENTS:**

None.

**PREVIOUS DISCUSSIONS:**

None.

July 21, 2022

The Honorable Eric Dial, Mayor  
Town of Tyrone  
881 Senoia Road  
Tyrone, Georgia 30290

Re: Disclosure of possible conflict of interests

Honorable Mayor Dial:

Fayette County (the “County”) and the Town of Tyrone (the “Town”) are both parties to a 2022 agreement for Water Billing Services (“the Agreement”). McNally, Fox, Grant & Davenport, P.C. (the “Firm”), currently serves as legal counsel for both the County and the Town. The possibility of conflict between the parties is ever present. As such, a conflict of interest could arise for the Firm in representing both sides. However, the Firm reasonably believes it can provide competent and diligent representation to each client over the term of this Agreement and that any risk of material and adverse effect to either client can be avoided. This representation is not prohibited by law; the Firm intends to continue its representation of both the County and the Town, and extends its counsel to the matter of this Agreement.

The Firm is confident in its ability to represent both parties to this Agreement and has counseled representatives of the Town on the issue. Information that is reasonably sufficient to permit the Town to appreciate the significance of the matter at issue and the alternatives to Firm representation in this matter has been provided. Further, the Town has been advised to consider its consent carefully and, if necessary, seek independent legal counsel on the matter.

The Firm believes that it is the intent of the Town to retain the Firm for its legal representation in all matters, including this Agreement. Please execute the enclosed Acknowledgment of Disclosure and Confirmation of Informed Consent. The Firm appreciates this opportunity and looks forward to providing representation on this matter. Should any questions arise please do not hesitate to contact me.

Sincerely,

Dennis A. Davenport  
Town Attorney

DAD/EAIC  
enclosure

Acknowledgment of Disclosure and Confirmation of Informed Consent

Water Billing Services

On behalf of the Town, please sign below to indicate confirmation of the Firm’s disclosure of a possible conflict of interest and discussions with the Town regarding same. This acknowledgment will serve to demonstrate the consent of the Town to the Firm’s representation in this Agreement. We are also asking the County to execute an acknowledgment of disclosure and confirmation of informed consent to the Firm’s representation as to this Agreement.

The Town hereby acknowledges the receipt of this disclosure and confirms the its informed consent to continued representation concerning this Agreement by the Firm by signing below.

This \_\_\_\_ day of \_\_\_\_\_, 2022.

MAYOR AND COUNCIL FOR  
THE TOWN OF TYRONE

(SEAL)

By: \_\_\_\_\_  
Eric Dial, Mayor

ATTEST:

\_\_\_\_\_  
Dee Baker, Town Clerk

Approved as to form:

\_\_\_\_\_  
Town Attorney



**COUNCIL AGENDA ITEM COVER SHEET**  
**Meeting Type:** Council - Regular  
**Meeting Date:** July 21, 2022  
**Agenda Item Type:** New Business  
**Staff Contact:** Brandon Perkins, Town Manager

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**STAFF REPORT**

**AGENDA ITEM:**

Consideration of the approval of a new Billing Services Agreement between the Town of Tyrone and Fayette County.

**BACKGROUND:**

Fayette County’s Water Department provides sewer billing for the Town for all of its sewer customers under a written agreement. The current agreement was approved in 2014. In June 2022, the County determined a need to increase the amount it bills the Town per customer each month from \$1.62 to \$1.87 to cover the increasing cost of performing this service. Consequently, the approval of a new Billing Service Agreement is necessary to move forward with the new rate.

**FUNDING:**

None

**STAFF RECOMMENDATION:**

Staff recommends approval of this updated agreement and rate increase.

**ATTACHMENTS:**

1. Letter from the Fayette County Water System dated July 8, 2022.
2. Sewer Billing Services Agreement

**PREVIOUS DISCUSSIONS:**

None.

July 8, 2022

Brandon Perkins, Town Manager  
Town of Tyrone  
950 Senoia Road  
Tyrone, Georgia 30290

Re: Billing Sewer Service Agreement

Mr. Perkins,

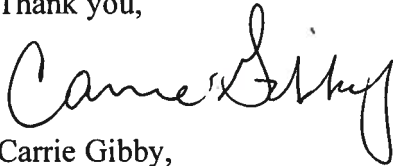
Effective August 1, 2022, the Fayette County Water System will increase its sewer billing fee to \$1.87 per customer. The new fee reflects a 12 percent increase over the previous sewer billing fee of \$1.62 established in 2014 and reflects an annual increase of 1.5 percent over 8 years. A notification of this increase was mailed on June 21, 2022.

Careful analysis was conducted of the cost associated for the Fayette County Water System to bill sewer entities. The analysis takes into account both direct and indirect costs. The analysis showed that the cost to perform sewer billing is significantly more than what is being collected. The new fee reflects a 10 percent discount of the full recovery cost.

The sewer billing fee increase was presented to the Fayette County Board of Commissioners at the 2022 Retreat.

Please have the Agreement signed by your designated official and provide to the address below. If you have questions, please contact me at 770-461-1146 ext. 6019.

Thank you,



Carrie Gibby,  
Business Operations Manager  
Fayette County Water System  
245 McDonough Road  
Fayetteville, Georgia 30214

**STATE OF GEORGIA**

**COUNTY OF FAYETTE**

**BILLING SERVICES AGREEMENT**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between **FAYETTE COUNTY**, a political subdivision of the State of Georgia acting by and through its Board of Commissioners, hereinafter referred to as the "County", and the **TOWN OF TYRONE**, a municipal corporation of the State of Georgia acting by and through its Mayor and Council, hereinafter referred to as the "Town", for the purpose of the County providing billing services for the Town, hereinafter referred to as the "Agreement".

**WITNESSETH:**

**WHEREAS**, the County and the Town are parties to an existing billing services agreement entered into on or about June 19, 2014 (the "Prior Agreement"); and

**WHEREAS**, the County and the Town desire to replace the Prior Agreement with this Agreement primarily to increase the billing cost per costumer as recited in the Prior Agreement from \$1.62 per customer to the county approved billing cost per customer per month; and

**WHEREAS**, the County and the Town desire to incorporate all other rights and responsibilities provided in the Prior Agreement.

**NOW, THEREFORE, FOR AND IN CONSIDERATION** of the mutual promises contained herein, the receipt and sufficiency of which are hereby acknowledged by the County and the Town, the County and the Town hereby agree as follows:

- 1.

The Town has previously provided the County a complete list of all active sewer customers of the Town. The Town will supplement the list on a monthly basis with any additions or deletions. The Town is responsible for the accuracy of the billing list. The Town will provide the County with the Town's current sewer billing rates to be applied to the monthly water usage by the Town's sewer customers.

2.

The County will supply the Town with monthly reports concerning the Town's sewer customers. The monthly reports will include: the sewerage accounts receivable; the monthly sewerage adjustments; the monthly list of sewerage bad debts; the activity summary; the billing register; and the monthly remittance summary. The County will provide, when possible, additional reports requested by the Town at a cost agreed upon between the County and the Town.

3.

The County shall bill the Town's sewer customers identified by the Town's list of sewer customers monthly based upon the Town-supplied sewer rates applied to the water usage. The County will collect the funds due the Town, including any additional service charges due the Town, and will remit those funds to the Town, less the County's charge for the billing services as provided in paragraph 5 of this Agreement, by the 20<sup>th</sup> of the following month.

4.

The Town will notify the County of any adjustment made to an account in writing. When an account becomes 180 days past due, the account will be dropped

from the County's billing list and referred to the Town for billing and collection of the account by the Town.

5.

The County will provide the monthly billing services and reports identified in paragraph 2 above, at the county approved billing cost per customer per month. Any equipment or computer program changes required to service the Town's sewer customers shall be paid by the Town, after first being approved by the Town. Both parties agree that these rates are subject to change from time to time as determined by the Fayette County Board of Commissioners and approved by the Town.

6.

This Agreement shall continue in effect for three (3) years from the date first above written. Should either party desire to terminate this Agreement, written notice must be provided to the other party. A notice of termination will not be effective until 180 days subsequent to receipt of the notice by the other party. This Agreement shall automatically renew for an additional three (3)-year term unless either party provides the requisite 180-day notice of termination. The parties desire that this Agreement continually renew for additional three (3)-year terms unless and until one of the parties desires to terminate and provides the requisite 180 days notice of termination.

7.

This Agreement supersedes any and all other documents, including, but not limited to, the Prior Agreement, either oral or in writing, between the parties with respect to this subject matter. No other agreement, statement, or promise relating to the subject matter

of this Agreement shall be valid or binding unless in writing and signed by the parties.

8.

The validity of this agreement and any of its terms and provisions, as well as the rights and duties of the parties under this Agreement, shall be governed by the laws of the State of Georgia.

9.

Should a court of competent jurisdiction determine that any term, provision, or part of this Agreement is invalid, unenforceable, or void for any reason whatsoever, then such invalid, unenforceable, or void term, provision, or part shall be severed from the remainder of this Agreement.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day and year first above written.

(SIGNATURES TO FOLLOW ON NEXT PAGE)

BOARD OF COMMISSIONERS,  
FAYETTE COUNTY

(SEAL)

By: \_\_\_\_\_  
Lee Hearn, Chairman

ATTEST:

\_\_\_\_\_  
Tameca P. Smith, County Clerk

Approved as to form:

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

MAYOR AND COUNCIL FOR  
THE TOWN OF TYRONE

(SEAL)

By: \_\_\_\_\_  
Eric Dial., Mayor

ATTEST:

\_\_\_\_\_  
Dee Baker, Town Clerk

Approved as to form:

\_\_\_\_\_  
Town Attorney



**COUNCIL AGENDA ITEM COVER SHEET**  
**Meeting Type:** Council - Regular  
**Meeting Date:** July 21, 2022  
**Agenda Item Type:** New Business  
**Staff Contact:** Scott Langford

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**STAFF REPORT**

**AGENDA ITEM:**

Consideration to Award Task Order 2: Rockwood/Crabapple/Senoia Intersection Design Phase. Project No: PW-2022-13-02 of 2021 Transportation Engineering Services project to POND, Inc.

**BACKGROUND:**

Upon approval of the budget for FY21/22, the Rockwood/Crabapple/Senoia Intersection Study, Project # PW-2022-13-02 was completed. This project is Task Order 2 of the 2021 Transportation Engineer Service Contract with POND, Inc. The next phase of the project is to complete the design work so construction can begin.

**FUNDING:**

2017 SPLOST

**STAFF RECOMMENDATION:**

Staff recommends Awarding Task Order 2: Rockwood/Crabapple/Senoia Intersection Design Phase. Project No: PW-2022-13-02 to POND, Inc. for the fee not to exceed \$20,861.

**ATTACHMENTS:**

See attached Task Order 2 Design Phase.

**PREVIOUS DISCUSSIONS:**

Intersection Study Phase under Task Order 2 with recommendations that were approved by Council on 3/17/2022.

3500 Parkway Lane, Suite 500  
Peachtree Corners, Georgia 30092

T: 678.336.7740 | F: 678.336.7744  
www.pondco.com

June 24, 2022

Mr. Scott Langford, PE  
Town Engineer/Public Works Director  
Town of Tyrone  
950 Senoia Road  
Suite A  
Tyrone, GA 30290

Re: **Town of Tyrone - Professional Transportation Design Services Fee Proposal**  
**Task Order #2 – Rockwood Road/Crabapple Lane at Senoia Road – Preliminary through Final Design**

Pond & Company (Pond) is pleased to submit this proposal for transportation engineering design services for the above project. The paragraphs below describe the professional services and fees to accomplish this work.

**PROJECT UNDERSTANDING:**

As part of the Town of Tyrone Transportation Engineering Services On-Call, the traffic engineering study completed as part of Task Order #2, for the intersection of Rockwood Road/Crabapple Lane at Senoia Road, will be referenced for the development of Preliminary through Final Design. This intersection is currently side-street stop controlled with a posted speed limit of 45 along Senoia Road and 30 MPH along Rockwood Road/Crabapple Lane. Senoia Road runs parallel to CSX Railroad (approximately 550' from centerline of roadway to centerline of railroad) and includes an existing at-grade crossing along Rockwood Road, west of the intersection. Recommendations included in the TE study will be included in the design, including conversion to a 4-way stop and minor intersection improvements.

**PROFESSIONAL SERVICES:**

The work in this proposal will consist of developing preliminary through final construction plans. Pond will provide the design services necessary in completing the tasks as described herein for the Town of Tyrone.

***Scope of Work***

**Task 1: Base Data Coordination/Development**

*Task 1A. Base Mapping Setup:* Pond will utilize available GIS information and aerial imagery to prepare the base mapping. This includes parcel data, roadway data, utility data, and contour information. This information will be overlaid on high-resolution aerial imagery.

**Task 2: Preliminary Design**

*Task 2A. Preliminary Design Plans –* The Preliminary Plans deliverable will include roadway plans, utility plans (if applicable), and signing and marking plans. Pond will prepare the construction plans, prepared based on the base mapping database (Task 1). The design plans will be prepared conforming to AASHTO, Manual on Uniform Traffic Control Devices (MUTCD), Town of Tyrone/Fayette County, and Georgia Department of

Transportation (GDOT) requirements and standards, as appropriate, using Microstation V8i software with InRoads.

*Task 2B. Site Visit* – Pond will complete a site visit to the intersection to measure lane widths, confirm site conditions, and note any intersection observations.

*Task 2C. Cost Estimate* – Pond will prepare an opinion of probable cost/cost estimate for the project.

*Task 2D. Town of Tyrone Review* – Pond will submit the Preliminary Plans to the Town of Tyrone for comment/approval. This task includes (1) meeting with the town to discuss the plans. We will respond to (1) round of comments and incorporate appropriate comments into the plans (during Task 3).

**Deliverables for Task 2:**

- Preliminary Plans
- Cost Estimate

**Task 3: Final Design**

*Task 3A. Final Design Plans* – Based on all comments received from the Preliminary Plan submittal, we will further refine plans. These plans will include compiling a list of all Preliminary Plan comments received and our responses, prior to incorporating into Final Plans.

*Task 3B. Cost Estimate* – Pond will prepare an opinion of probable cost for the project.

*Task 3C. Town of Tyrone Review* – Pond will submit the Final Plans to the Town of Tyrone for comment/approval. This task includes (1) meeting with the town to discuss the plans (if needed). We will respond to (1) round of comments and incorporate appropriate comments into the plans.

***Schedule***

Pond has estimated that the tasks above can be completed within (3) months from approved notice to proceed with this phase. Please note that these time frames are dependent on agency review times.

**ASSUMPTIONS:**

The design plans will be prepared as a locally funded project.

Services or tasks not specifically outlined above are excluded and would be considered additional services. Services not included in the scope:

- |   |                                    |
|---|------------------------------------|
| • Right-of-Way Plans                            | • GDOT Concept Report              |
| • GDOT Plan Development Process (PDP)           | • Additional Meetings              |
| • Traffic Engineering Report/Analysis           | • MS4 Analysis/Documentation       |
| • Staging Plans                                 | • Environmental Services           |
| • Survey Services                               | • Erosion Control Plans/Inspection |
| • Subsurface Utility Engineering (SUE) Services | • Utility Coordination             |
| • Landscape/Hardscape Plans                     |                                    |

**PROFESSIONAL FEES:**

Pond proposes to accomplish *Task 1* through *Task 3* based on the contracted unit rates, not to exceed a total fee of \$20,861.00. The fees are summarized in the attached Man-Hour Fee Estimate.

If this fee and scope is acceptable, Pond & Company is available to begin work immediately. If you would like us to discuss or modify the scope please contact myself or Zach Puckett, who will serve as the Project Manager. If you need any additional information, please feel free to contact me at (678) 336-7740.

Sincerely,

**POND & COMPANY**



Richard Fangmann, PE, PTOE  
Vice-President

Cc: Zach Puckett, PE

Town of Tyrone

On-Call - Task Order #2 - Design

Rockwood Road/Crabapple Lane at Senoia Road - Preliminary through Final Design  
Project Length 0 miles

SUMMARY BY PHASE

COST AMOUNT OF CONTRACT PROPOSAL

6/24/2022

	PHASE AMOUNTS
Phase 1 Base Data Coordination/Development	\$ 3,196.00
Phase 2 Preliminary Design	\$ 11,659.00
Phase 3 Final Design	\$ 6,006.00
TOTAL DESIGN COST FOR ALL SEGMENTS	\$ 20,861.00

## Phase 1 Summary

## Phase 1

Base Data Coordination/Development

<b>PERSONNEL</b>	<b>EST. HOURS</b>	<b>RATE/HR.</b>	<b>COST \$</b>	<b>TOTALS</b>
PRINCIPAL	1	\$ 220.00	\$ 220.00	
PROJECT MANAGER	4	\$ 190.00	\$ 760.00	
SENIOR ENGINEER	5	\$ 210.00	\$ 1,050.00	
MID LEVEL ENGINEER	8	\$ 127.00	\$ 1,016.00	
SENIOR LANDSCAPE AF	0	\$ 120.00	\$ -	
LANDSCAPE ARCHITEC'	0	\$ 95.00	\$ -	
ADMINISTRATIVE	2	\$ 75.00	\$ 150.00	
<b>TOTAL DIRECT LABOR                  20 Manhours                  \$                  3,196.00</b>				
<b>DIRECT COSTS (SPECIFY):</b>				
<b>ITEM</b>	<b>UNIT COST</b>	<b>QUANTITY</b>	<b>TOTALS</b>	
Mileage	\$ 0.55	0	\$	-
REPRODUCTION	\$ 150.00	0	\$	-
MAIL & DELIVERY	\$ 50.00	0	\$	-
TRAVEL	\$ -	0	\$	-
				\$ -
<b>Direct Cost Total</b>				<b>\$ -</b>
<b>SUBCONSULTANTS (LIST):</b>				
<b>SUB CONSULTANT</b>			<b>TOTALS</b>	
				\$ -
<b>Subconsultant Sub Total</b>				<b>\$ -</b>
<b>COST AMOUNT FOR PHASE</b>				<b>\$ 3,196.00</b>

Town of Tyrone											
Phase 1 Detail											
PROJECT: On-Call - Task Order #2 - Design Rockwood Road/Crabapple Lane at Senoia Road - Preliminary through Final Design											
Phase 1											
Base Data Coordination/Development											
TASKS	Assumptions	No. of SHT	PRINCIPAL	PROJECT MANAGER	SENIOR ENGINEER	MID LEVEL ENGINEER	SENIOR LANDSCAPE ARCHITECT	LANDSCAPE ARCHITECT	ADMINISTRATIVE	TOTAL	% OF TOTAL HOURS
Non-Drawing Tasks											
Project Management	Invoices, progress reports (assumed 1 month duration)(1 hr/each)		1	1					1	3	15.0%
Internal Coordination Meeting	1 internal meetings @ 1 hr per meeting			1	1	1			1	4	20.0%
Drawing Tasks											
Base Mapping Development - GIS/Aerial	Assuming some of the basemapping from concept can be utilized			2	4	7				13	65.0%
TOTALS		0	1	4	5	8	0	0	2	20	100.0%

## Phase 2 Summary

## Phase 2

## Preliminary Design

<b>PERSONNEL</b>	<b>EST. HOURS</b>	<b>RATE/HR.</b>	<b>COST \$</b>	<b>TOTALS</b>
PRINCIPAL	1	\$ 220.00	\$ 220.00	
PROJECT MANAGER	20	\$ 190.00	\$ 3,800.00	
SENIOR ENGINEER	10	\$ 210.00	\$ 2,100.00	
MID LEVEL ENGINEER	42	\$ 127.00	\$ 5,334.00	
SENIOR LANDSCAPE AF	0	\$ 120.00	\$ -	
LANDSCAPE ARCHITEC`	0	\$ 95.00	\$ -	
ADMINISTRATIVE	2	\$ 75.00	\$ 150.00	
<b>TOTAL DIRECT LABOR                 75 Manhours   \$      11,604.00</b>				
<b>DIRECT COSTS (SPECIFY):</b>				
<b>ITEM</b>		<b>UNIT COST</b>	<b>QUANTITY</b>	<b>TOTALS</b>
Mileage		\$ 0.55	100	\$ 55.00
REPRODUCTION		\$ 150.00	0	\$ -
MAIL & DELIVERY		\$ 50.00	0	\$ -
TRAVEL		\$ -	0	\$ -
				\$ -
<b>Direct Cost Total</b>				<b>\$ 55.00</b>
<b>SUBCONSULTANTS (LIST):</b>				
<b>SUB CONSULTANT</b>				<b>TOTALS</b>
				\$ -
<b>Subconsultant Sub Total</b>				<b>\$ -</b>
<b>COST AMOUNT FOR PHASE</b>				<b>\$ 11,659.00</b>

Town of Tyrone											
Phase 2 Detail											
PROJECT: On-Call - Task Order #2 - Design Rockwood Road/Crabapple Lane at Senoia Road - Preliminary through Final Design											
Phase 2											
Preliminary Design											
TASKS	Assumptions	No. of SHT	PRINCIPAL	PROJECT MANAGER	SENIOR ENGINEER	MID LEVEL ENGINEER	SENIOR LANDSCAPE ARCHITECT	LANDSCAPE ARCHITECT	ADMINISTRATIVE	TOTAL	% OF TOTAL HOURS
Non-Drawing Tasks											
Project Management	Invoices, progress reports (assumed 1 month duration)(1 hr/each)		1	1					1	3	4.0%
Internal Coordination Meeting	1 internal meetings @ 1 hr per meeting			1	1	1			1	4	5.3%
Quality Control (assumes Preliminary Plan Review)				2	1	2				5	6.7%
Drawing Tasks											
General Notes				1		2				3	4.0%
Quantities				1		3				4	5.3%
Plan View				4	6	20				30	40.0%
Cost Estimate				2	2	6				10	13.3%
Site Visit				4		4				8	10.7%
PFPR Meeting	In-person			4		4				8	10.7%
TOTALS		0	1	20	10	42	0	0	2	75	100.0%

### Phase 3 Summary

### Phase 3

## Final Design

<b>PERSONNEL</b>	<b>EST. HOURS</b>	<b>RATE/HR.</b>	<b>COST \$</b>	<b>TOTALS</b>
PRINCIPAL	1	\$ 220.00	\$ 220.00	
PROJECT MANAGER	11	\$ 190.00	\$ 2,090.00	
SENIOR ENGINEER	6	\$ 210.00	\$ 1,260.00	
MID LEVEL ENGINEER	18	\$ 127.00	\$ 2,286.00	
SENIOR LANDSCAPE AF	0	\$ 120.00	\$ -	
LANDSCAPE ARCHITEC'	0	\$ 95.00	\$ -	
ADMINISTRATIVE	2	\$ 75.00	\$ 150.00	
<b>TOTAL DIRECT LABOR                      38 Manhours                      \$          6,006.00</b>				
<b>DIRECT COSTS (SPECIFY):</b>				
<b>ITEM</b>	<b>UNIT COST</b>	<b>QUANTITY</b>	<b>TOTALS</b>	
Mileage	\$ 0.55	0	\$ -	
REPRODUCTION	\$ 150.00	0	\$ -	
MAIL & DELIVERY	\$ 50.00	0	\$ -	
TRAVEL	\$ -	0	\$ -	
			\$ -	
<b>Direct Cost Total</b>			<b>\$ -</b>	
<b>SUBCONSULTANTS (LIST):</b>				
<b>SUB CONSULTANT</b>			<b>TOTALS</b>	
			\$ -	
<b>Subconsultant Sub Total</b>			<b>\$ -</b>	
<b>COST AMOUNT FOR PHASE</b>			<b>\$ 6,006.00</b>	

Town of Tyrone Phase 3 Detail											
PROJECT: On-Call - Task Order #2 - Design Rockwood Road/Crabapple Lane at Senoia Road - Preliminary through Final Design											
Phase 3											
Final Design											
TASKS	Assumptions	No. of SHT	PRINCIPAL	PROJECT MANAGER	SENIOR ENGINEER	MID LEVEL ENGINEER	SENIOR LANDSCAPE ARCHITECT	LANDSCAPE ARCHITECT	ADMINISTRATIVE	TOTAL	% OF TOTAL HOURS
Non-Drawing Tasks											
Project Management	Invoices, progress reports (assumed 1 month duration)(1 hr/each)		1	1					1	3	7.9%
External Coordination Meeting	1 internal meetings @ 1 hr per meeting			1	1	1			1	4	10.5%
Quality Control (assumes Final Plan Review)				2	1	2				5	13.2%
Drawing Tasks											
Respond to Preliminary Comments				1	1	1				3	7.9%
Address Preliminary Comments/Revisions											
General Notes Comments/Revisions				1		1				2	5.3%
Quantities Comments/Revisions				1		2				3	7.9%
Plan View Comments/Revisions				1	2	8				11	28.9%
Cost Estimate				2	1	2				5	13.2%
FFPR Meeting	Virtual			1		1				2	5.3%
TOTALS		0	1	11	6	18	0	0	2	38	100.0%